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Test Report

Wednesday
October 27, 1982

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Selected Subjects

Air Pollution Control

Environmental Protection Agency

Air Rates and Fares

Civil Aeronautics Board

Animal Biologics

Animal and Plant Health Inspection Service

Coal Mining

Surface Mining Reclamation and Enforcement Office

Credit

Federal Reserve System

Flood Insurance

Federal Emergency Management Agency

Income Taxes

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Milk Marketing Order

Agricultural Marketing Service

Mineral Royalties

Mineral Management Service

Oil and Gas Exploration

Minerals Management Service

Pesticides and Pests

Environmental Protection Agency

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Selected Subjects

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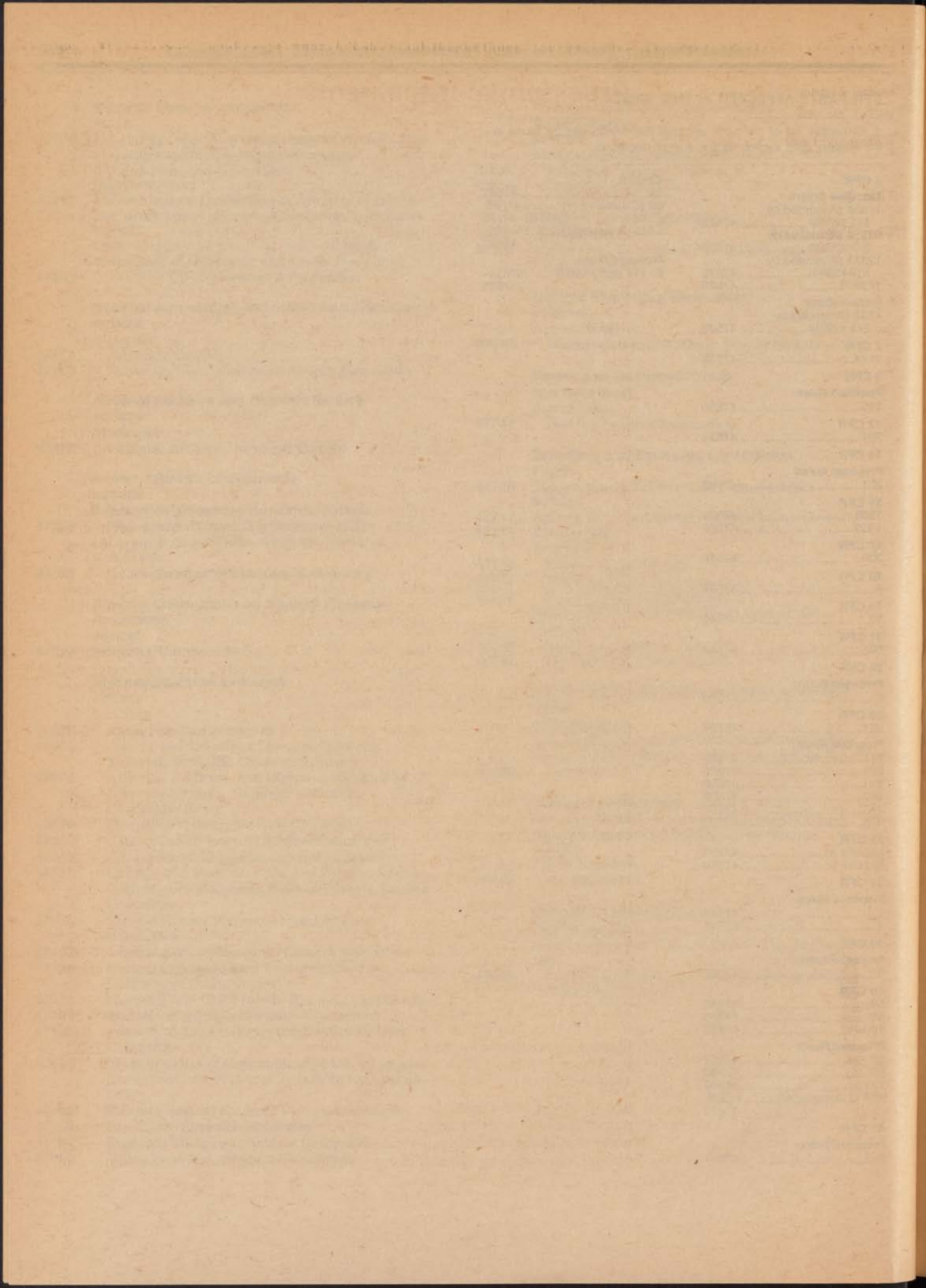
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Title 3—

Executive Order 12389 of October 25, 1982

The President

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*), as amended, section 604 of the Trade Act of 1974 (19 U.S.C. 2483), and section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), and as President of the United States of America, in order to modify, as provided by sections 504 (a) and (c) of the Trade Act of 1974 (19 U.S.C. 2464 (a) and (c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, and to adjust the original designation of eligible articles after taking into account information and advice received in fulfillment of section 503(a) of the Trade Act of 1974 (19 U.S.C. 2463(a)), it is hereby ordered as follows:

Section 1. In order to subdivide and amend the nomenclature of existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in Annex I to this Order, attached hereto and made a part thereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by inserting in numerical sequence TSUS item 690.15.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary developing countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended as follows:

(a) by deleting TSUS item 386.09 and inserting in numerical sequence TSUS item 386.13; and

(b) by deleting TSUS item 690.15.

Sec. 4. General headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary developing countries listed opposite those articles, is modified as follows:

(a) by deleting the TSUS item number and country "386.09 . . . Taiwan" and inserting in lieu thereof "386.13 . . . Taiwan"; and

(b) by deleting "690.15 . . . Romania".

Sec. 5. In order to provide staged reductions in the rates of duty for the new TSUS items created by Annex I to this order, Annex III to Proclamation 4707 of December 11, 1979, is amended by Annex II to this Order, attached hereto and made a part hereof.

Sec. 6. Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this Order is reduced to the same level as, or to a lower level than, the corresponding rate of duty inserted in the column entitled "LDDC" by Annex I to this Order, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

Sec. 7. Executive Order No. 12371 of July 12, 1982, modified the TSUS for purposes of the GSP by creating new items providing for solid-state electronic watches, clocks, and modules, and by renumbering certain items. As a result of that renumbering a conforming change must be made to headnote 1 of

subpart C, part 4 of schedule 6 and headnote 2(ii) of part 7 of schedule 8 of the TSUS. Accordingly, such headnotes are modified by deleting "item 688.45" and by inserting in lieu thereof "item 688.43".

Sec. 8. In order to make retroactive certain changes in regard to wrapper tobacco made by Annexes I and II of Executive Order No. 12354 of March 30, 1982, creating TSUS items 170.10 and 170.15, modifying headnote 2 of part 13, schedule 1 of the TSUS, and listing such articles as eligible for benefits of the GSP when imported from any designated beneficiary developing country, such changes are hereby made effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after July 4, 1981.

Sec. 9. (a) The amendments and modifications made by Sections 2, 3(b), and 4(b) of this Order are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 31, 1982.

(b) The amendments and modifications made by Sections 1, 3(a), 4(a), 5, 6, and 7 of this Order shall be effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the third day following publication of this Order in the *Federal Register*.

Ronald Reagan

THE WHITE HOUSE,
October 25, 1982.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of ordered modifications.
2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

(a) Item 386.09 is superseded by:

[Articles. . .:]

[Lace. . .:]

[Other:]

"386.11	Tents and sleeping bags, of manmade fibers.	[See Annex II].....	10% ad val.	90% ad val.
386.13	Other	[See Annex II].....	10% ad val.	90% ad val."

(b) Item 386.10 is redesignated as 386.15.

ANNEX II

Annex III to Presidential Proclamation 4707 of December 11, 1979, is amended by deleting from Section A of that Annex TSUS item number 386.09 with its corresponding rates of duty and by inserting the following TSUS item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty, ¹ effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
386.09 ⁴	25% ad val....	25%	25%	*22.5%	(*)	(*)	(*)	(*)	(*)
386.10 ⁴	17.5% ad val.	17.5%	17.5%	*15.9%	(*)	(*)	(*)	(*)	(*)
386.11 ⁴	25% ad val....	(*)	(*)	*22.5%	20%	17.5%	15%	12.5%	10%
386.13 ⁴	25% ad val....	(*)	(*)	*22.5%	20%	17.5%	15%	12.5%	10%
386.15 ⁴	17.5% ad val.	(*)	(*)	*15.9%	14.3%	12.7%	11%	9.4%	7.8%

⁴Item 386.09 is discontinued and is superseded by items 386.11 and 386.13, and item 386.10 is redesignated as 386.15, effective September, 1982.

[FR Doc. 82-29717

Filed 10-25-82; 4:39 pm]

Billing code 3195-01-M

The following rules and regulations are hereby established for the purpose of maintaining order and discipline in the institution. These rules shall be strictly enforced, and any student who fails to comply with them shall be subject to disciplinary action.

1. Students shall attend all classes regularly and on time. Absence without proper excuse shall be considered a violation of this rule.

2. Students shall maintain a high standard of academic honesty and integrity. Plagiarism and cheating are strictly prohibited.

3. Students shall respect the property of the institution and other students. Vandalism and theft are not tolerated.

4. Students shall adhere to a code of conduct that promotes respect, tolerance, and good behavior. Harassment and discrimination are prohibited.

5. Students shall follow all safety rules and regulations, particularly in the laboratory and during field trips.

6. Students shall be responsible for their own actions and the actions of others. They shall be held accountable for any violations of these rules.

7. Students shall be encouraged to participate in extracurricular activities and to develop a well-rounded education.

8. Students shall be required to complete all assignments and projects on time and to the best of their ability.

9. Students shall be expected to maintain a clean and organized living environment, particularly in the dormitories.

10. Students shall be required to follow all rules and regulations of the institution, including those related to health and safety.

These rules and regulations are intended to provide a framework for a safe and productive learning environment. It is the responsibility of all students to uphold these standards and to contribute to the overall success of the institution.

Rules and Regulations

Federal Register

Vol. 47, No. 208

Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain provisions of the Oregon-Washington Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Suspension of the provisions for the period of October through December 1982 was requested by three cooperative associations who represent a substantial number of producers supplying the market. The suspension is needed to prevent uneconomic movements of milk.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: Issued September 28, 1982; published October 1, 1982 (47 FR 43390).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes

following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension in time to include October 1982 in the suspension period. The initial request for this action was received on September 24, 1982. A notice of proposed suspension was issued on September 28, 1982, inviting interested parties to comment on the proposed action by October 8, 1982.

It has also been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Oregon-Washington marketing area.

Notice of proposed rulemaking was published in the Federal Register (47 FR 43390) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No opposing views were received.

After considering all relevant material, including the proposal in the notice, and other available information, it is hereby found and determined that for the months of October through December 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In the third sentence of paragraphs (a) and (b) of § 1124.11, the word "not".

Statements of Consideration

This action removes for October through December 1982 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert a total quantity of producer milk

not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by three cooperative associations who represent a substantial number of producers on the market. The basis for the request is that current marketing conditions require the three associations to handle an increasing quantity of reserve milk supplies during the fall months because of increased milk production by member producers. They stated that this situation will be aggravated by the fact that sales to one of their principal pool plant outlets will decline substantially because this plant will discontinue this fall part of its manufacturing operations. The cooperatives stated that the loss of such sales reduces the basis of their diversion allowances since the order's allowable diversions are based upon receipts of milk at pool plants.

Without the suspension, the cooperatives expect that their reserve milk supplies during October-December 1982 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. In the absence of the suspension, the cooperatives believe that some of the fluid milk would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to still maintain producer status for such milk during the months of October through December 1982.

In view of these changes in marketing conditions, the diversion limitation percentages during October through December 1982 should be suspended to ensure the orderly marketing of reserve milk supplies. The suspension will provide greater flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producers' farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to comment. No opposing views were received.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1124

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for October through December 1982.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Effective date: October 27, 1982.

Signed at Washington, D.C. on: October 21, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-29488 Filed 10-26-82; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of adjusting discount rates. The action was designed to maintain an appropriate alignment with short-term market interest rates.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3257).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations require that these amendments must be adopted immediately.

List of Subjects in 12 CFR Part 201

Banks, banking, Credit, Credit unions, Foreign banks.

PART 201—[AMENDED]

Pursuant to section 10(b) and 14(d) of the Federal Reserve Act (12 U.S.C. 347b and 357) Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows; § 201.51 Short term adjustment credit for depository institutions.

The rates for short term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston.....	9½	Oct. 12, 1982.
New York.....	9½	Oct. 12, 1982.
Philadelphia.....	9½	Oct. 12, 1982.
Cleveland.....	9½	Oct. 13, 1982.
Richmond.....	9½	Oct. 12, 1982.
Atlanta.....	9½	Oct. 12, 1982.
Chicago.....	9½	Oct. 12, 1982.
St. Louis.....	9½	Oct. 12, 1982.
Minneapolis.....	9½	Oct. 12, 1982.
Kansas City.....	9½	Oct. 12, 1982.
Dallas.....	9½	Oct. 12, 1982.
San Francisco.....	9½	Oct. 11, 1982.

2. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit to depository institutions.

(a) The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston.....	9½	Oct. 12, 1982.
New York.....	9½	Oct. 12, 1982.
Philadelphia.....	9½	Oct. 12, 1982.
Cleveland.....	9½	Oct. 13, 1982.
Richmond.....	9½	Oct. 12, 1982.
Atlanta.....	9½	Oct. 12, 1982.
Chicago.....	9½	Oct. 12, 1982.
St. Louis.....	9½	Oct. 12, 1982.
Minneapolis.....	9½	Oct. 12, 1982.
Kansas City.....	9½	Oct. 12, 1982.
Dallas.....	9½	Oct. 12, 1982.
San Francisco.....	9½	Oct. 11, 1982.

(b) The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston.....	9½	Oct. 12, 1982.
New York.....	9½	Oct. 12, 1982.
Philadelphia.....	9½	Oct. 12, 1982.
Cleveland.....	9½	Oct. 13, 1982.
Richmond.....	9½	Oct. 12, 1982.
Atlanta.....	9½	Oct. 12, 1982.
Chicago.....	9½	Oct. 12, 1982.
St. Louis.....	9½	Oct. 12, 1982.
Minneapolis.....	9½	Oct. 12, 1982.
Kansas City.....	9½	Oct. 12, 1982.
Dallas.....	9½	Oct. 12, 1982.
San Francisco.....	9½	Oct. 11, 1982.

Note.—These rates apply for the first 60 days of borrowing. A 1 percent surcharge applies for borrowing during the next 90 days, and a 2 percent surcharge applies for borrowing thereafter.

By order of the Board of Governors of the Federal Reserve System, October 18, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-29339 Filed 10-26-82; 8:45 am]

BILLING CODE 6210-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1508 and 1509

Amendments to Requirements for Full-Size and Non-Full-Size Baby Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Final amendments.

SUMMARY: The Commission is amending its requirements for full-size and non-full-size baby cribs. The amendments address a neck and head entrapment hazard associated with certain design configurations on crib panels by prohibiting cribs with those configurations.

DATE: The amendments become effective on April 27, 1982, and apply only to cribs manufactured after that date.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Nelson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: For the reasons discussed below, the Commission has voted 4-1 (Chairman Nancy Harvey Steorts dissenting in an opinion filed in and available from the Office of the Secretary) to issue final amendments to its crib regulations:

I. Introduction

In late 1977 the Commission learned of a child whose neck and head had become entrapped in the cutout headboard design of a crib. As was the

case with later victims, the child had strangled to death in the cutout. The Commission staff immediately opened an investigation into the hazard.

The manufacturer of the crib notified retailers of the hazard and made available a modification kit which contained a shaped piece of board to close off the opening. In February 1978 the Commission and manufacturer issued a joint press release that alerted consumers and announced a number of corrective actions. At the urging of the Commission, the manufacturer undertook additional actions, including new letters to dealers and the distribution of warning posters to the public.

A different crib model, produced by the same manufacturer, was later identified as being involved in other strangulations due to neck and head entrapment. That model also became the subject of a staff investigation and subsequent voluntary corrective actions by the manufacturer. Posters were distributed to pediatricians' offices to warn owners of the cribs. In addition, a consent agreement later required the manufacturer to place paid warning messages in magazines and to send letters to parents of small children who might be sleeping in the hazardous cribs.

Based on the information obtained in connection with the investigations, the Commission prepared and proposed for public comment amendments to its existing requirements for baby cribs. The proposed amendments addressed the entrapment hazard by prohibiting certain crib panel configurations.

II. Proposed Amendments

The Commission proposed the amendments in December 1980 (45 FR 82659-65, December 16, 1980). A list of 44 documents was included in the Federal Register notice proposing the amendments, and a list is again included at the end of this Federal Register notice. The original list has been expanded to include documents that have been placed into the record since December 1980. The expanded list of 88 documents therefore includes all of the documents in the record of this proceeding. Those documents are cited, by number, throughout this Federal Register notice.

The discussion in sections A-E below describes the December 1980 proposed amendments:

A. Existing Crib Regulations

The Commission currently enforces two baby crib regulations. The safety requirements in each regulation are comparable, but one applies to full-size

cribs and the other applies to non-full-size cribs.

Full-size cribs (16 CFR Part 1508) have interior dimensions of 133 cm. by 71 cm., a standardized size. Non-full-size cribs (16 CFR Part 1509) are most other rigid-sided cribs, including portable, oversized, undersized, and specialty cribs.¹ Both categories of cribs must comply with a test procedure for the spacing of crib slats and spindles. This addresses the risk that an infant will strangle when its body, but not its head, slips through the slats.

If a crib mattress is too small, an infant could suffocate by becoming entrapped between the crib frame and the mattress, with its face wedged against the mattress. Therefore, labels specifying the correct mattress size are required for full-size cribs, which are generally not sold with a mattress as part of their original set. Since most non-full-size cribs are sold with a mattress, they must meet mattress size requirements that specify the allowable space between the unit and the mattress. In addition, permanent labeling requirements for non-full-size cribs assure that consumers have adequate information about the correct size for a replacement mattress.

Both crib regulations also have requirements for: minimum effective rail height; locking or latching devices for drop or folding sides; construction and finishing, including provisions to eliminate "toe-holds" that might help babies climb out; assembly instructions; cautionary labeling; manufacturer identification; and recordkeeping.

Neither of the crib regulations addresses the neck and head entrapment hazard that the proposed final amendments address.

B. Risk of Injury

Including the strangulations discussed in *Introduction*, the Commission learned of fourteen incidents² in which cutout designs in crib headboards or footboards were involved (3). Eight children under two years of age died, while the other six escaped death and permanent injury ("near misses"). The Commission staff analyzed all of these case histories to attempt to establish common aspects of the incident sequences and to determine the critical physical characteristics of the children at risk (2).

¹ Cribs with mesh, net or screen sides, car beds, baby baskets, and bassinets are not covered by either regulation.

² In one of these fourteen incidents, involving a death, the crib had been damaged and then modified by the parent. However, the entrapment and strangulation followed the same pattern as in the other thirteen incidents (3).

In contrast to the risk addressed by the existing slat spacing requirements, the fourteen incidents involved necks and heads that became entrapped while the children were completely inside the cribs. The staff analysis concluded that the victims were able to stand at or climb up to the top of the end panel (headboard or footboard), and then become entrapped in a cutout opening (2).

According to the analysis, three factors are necessary for this type of neck/head entrapment to occur: (a) The neck is smaller (or compresses to a dimension smaller) than the entrance to the opening, (b) the head is larger than the minimum dimensions of the open area of the cutout, and (c) the child's feet, because of panic, short stature, or loss of footing, fail to provide effective support.

It is possible and even likely that "Near miss" incidents have occurred without being reported. Like the six reported "near misses", these would be situations in which a parent or other adult found a child entrapped, but was able to extricate the child before any injury resulted. There may also have been instances in which children were temporarily entrapped, but were then able to extricate themselves.

In an effort to obtain as much injury information as possible, the Commission contacted medical examiners and health care professionals and reviewed available medical literature. No additional incidents were discovered from those efforts.

However, the Commission learned after the amendments were proposed in December 1980 of another death associated with a crib cutout (73). In that incident, the hinged side of a portable crib was left folded down, exposing an opening that meets the cutout definition. The Commission stresses that the amendments are sufficiently broad to apply to such a cutout because the sides of portable cribs are often left down in normal usage, just as the side rails of full-size cribs are often left down. (When the side of the portable crib involved in the incident is up, it forms an enclosed opening that is covered by the slat spacing requirements of the non-full-size crib regulation. Most portable cribs form such enclosed openings in both the "up" and "down" positions because of horizontal bars that run through the hinges.)

C. Proposed Test Requirements

The test requirements proposed in December 1980 were designed to prohibit, from full-size and non-full-size

crib end and side panels, any cutouts (partially-bound openings) that can entrap the necks and heads of children using the cribs.³ By using a "headform probe," the test simulates the way that a child's head and neck can become entrapped. When the probe is placed in the cutout, it must be free to swing through a vertical arc without interference from any portion of the crib end or side panels.

The proposed amendments described the probe and the way it is positioned at all times during the test procedure. The probe is placed with "neck" resting horizontally within the cutout area. The "head" of the probe is pivoted upward and backward. The cutout fails the test if the head portion of the probe does not freely attain a full upright position.

The proposed test procedure was based on the staff's reconstruction of the injury incident scenarios from the investigation reports (2, 5). In each of the cases, the victim was found suspended by the head because the effective opening of the cutout was too small to allow free passage of the head back into the crib. The test procedure is based on the premise that gravity alone should be sufficient to free an entrapped child.

The development of the proposed headform probe, including its dimensions, is fully described in staff documents (2). From the same injury incident investigation reports (35), the staff learned that most of the children were between one and two years of age and they were found with their heads entrapped in cutouts on the upper portions of the headboards. While it was impossible to determine the head sizes from the reports, none of the victims was of unusual height or weight.

The size of the probe is related to the sizes of heads and necks of children who fall within the age range of one to two years (2). The staff considered anthropometric data from a 1977 University of Michigan study (27) and other sources (21-26; 28-30). Since complete data were not available for children younger than two years of age, data for children between two and 3.5 years of age were used. (This is the youngest age grouping of complete, statistically representative data available.) The staff used head length, head width, and head height dimensions at the 95th percentile level. This level

means that 95 percent of the children in that age group have head dimensions less than the size used in the proposed probe. The location of the widest point on the probe (with respect to the vertical plane) was designed as a band starting two inches from the rear of the probe and extending all the way forward. The band is two inches high to account for the variable location of the widest point on a child's head.

To obtain the appropriate neck dimension for the probe, the staff first used the 5th percentile dimension for children between two and 3.5 years of age. The staff then extrapolated this dimension to about one year of age because this was the age of the youngest victim for whom relevant information was available. The staff further reduced this dimension by 25 percent to account for the pliability of the neck.

In general, the probe incorporates dimensions for the smallest neck sizes and the largest head sizes. This is a "worst case" approach because a small neck would be most likely to fit into an opening and a large head would be most likely to become entrapped. Using these dimensions in the test probe provides a margin of safety for children who will not combine these two extremes of neck and head sizes.

D. Economic Considerations

The cribs already investigated by the Commission are no longer being manufactured and they have been the subject of numerous corrective activities (see *Introduction*). The Commission estimated that about 65,000 additional cribs shipped by manufacturers, representing eleven different models, may fail to comply with the proposed test procedure (6). The cost of the corrective action, including the cost of locating the cribs, was estimated to be nearly \$2.5 million (6). However, none of these cribs contains cutouts that are as "deep" or otherwise appear as hazardous as those contained in the cribs described in *Introduction*, and none are known to have been associated with any death or injury incidents. As a result, the Commission preliminarily concluded that the proposed amendments should not apply to these 65,000 cribs that have already been manufactured. The proposed amendments incorporated various margins of safety and the Commission preliminarily decided that the amendments should appropriately be applied only to those cribs manufactured in the future.

The Commission's economics staff surveyed the crib manufacturers' 1980 catalogs and received additional

information directly from the manufacturers (6). Based on these data, the Commission estimated that only four or fewer models that may fail the proposed test procedure were still being produced in 1980 (6). In addition, manufacturers indicated that these models were being phased out due to lack of consumer demand and the adverse publicity associated with the entrapment hazard (6). Based on preliminarily staff observations, the Commission anticipated that none of the 1981 models would fail the proposed test procedure.

Therefore, the Commission preliminarily found that the economic impact on crib manufacturers of the proposed amendments would be slight. It believed that certain minimal costs would be incurred by a manufacturer who performs compliance tests on prototype models (6). These costs would be limited to fabrication of the headform probe and time spent on the testing.

The Commission also found that any current model lines that fail the test could be discontinued or redesigned without imposing a significant economic burden on any manufacturer (6). Each year, manufacturers routinely discontinue and redesign cribs in response to consumer demand and in anticipation of that demand (6). Discontinuation of a model would not result in economic losses as long as the cribs already manufactured could continue to be sold (6). Redesign of a crib model may only involve slight adjustment of the machinery that cuts the headboard and footboard patterns (6). Retooling was not expected to be necessary for such slight changes in the sizes and shapes of any noncomplying cutouts (6). Any redesign costs were therefore expected to be minimal.

E. Effective Date

Cribs are generally marketed according to an annual design and production cycle (6). New designs are completed by the summer, and they are manufactured beginning in the fall and continuing throughout most of the following calendar year. Retail orders are also placed beginning in the fall. The orders are then filled by shipments that continue through the following fall, and sometimes until the end of the following calendar year.

Depending on the time of year that the amendments would be issued, the Commission proposed that they become effective between two and eight months after the issuance date.

³ A full-bounded opening could present a different entrapment risk of injury. This potential risk would require a different test procedure than the one for partially-bounded openings. The Commission has no injury data on any risk associated with fully-bounded openings (unless of course they are slats within the existing regulations), and the proposed amendments do not address any such risk.

III. Public Comments on Proposed Amendments and Commission Revisions

In response to its December 1980 proposal (45), the Commission received four public comments (46, 47, 48, 49). Based on those comments⁴ and based on some additional work by its staff, the Commission in August 1981 suggested some changes in the proposed test procedure and extended the comment period so that the public could comment on them (46 FR 43452-56, August 28, 1981) (56). (The public comments received during the extended comment period are discussed in section IV below.)

A. Contacts Constituting Failure

As originally worded, the proposed test procedure identified as a failure contact by the probe with any surfaces or edges other than those surfaces labeled "A" or "B" or the edges of those surfaces (see Fig. 3), when the headform probe is rotated in a vertical arc after being placed in a cutout along the upper edge of a crib end or side panel. Some of the commenters objected to the wording of the requirement as overly restrictive in that it would prohibit many designs which could not be considered as entrapment hazards.

It was clearly not the intention of the proposed test procedure to prohibit designs where contact is made with only one side of the headform probe (52). For example, a horizontal top rail with no cutouts but having a cornerpost extending vertically more than 2½ inches would fail the proposed test. A child's head or neck would not become entrapped by such a configuration. The Commission therefore suggested clarifying the language of the test procedure so that contact with only one side of the probe would not constitute failure. (Single point contact with those surfaces representing the back of a child's head would still be considered a failure.) According to the clarified language of the test, simultaneous contact at two or more points on opposite sides of the probe would be a failure.

In addition, the Commission added language to clarify that if an edge or surface on one side of the probe is contacted during the vertical arc, "sideways motion of the headform shall not be restrained" (subsection (b)(1)) (52). In other words, a test failure shall not result merely because the probe slides horizontally along the panel, as

long as the probe maintains a vertical arc. (This point is further discussed in section IV D (3) below.)

B. Labeling of Probe's Surfaces

One commenter suggested expanding the identification of the surfaces of the probe and then specifying those combinations of surfaces which, when contacted by the probe during the test procedure, would constitute a failure. Several sets of surfaces were cited by the commenter as potentially failing combinations.

The Commission accepted the basic suggestion for additional labeling of surfaces in order to clarify the test procedure (52). However, to identify all possible failing combinations would be cumbersome and possibly confusing. In addition, the commenter's suggestion did not account for possible panel contact with the edges formed by adjacent surfaces of the probe. The Commission revised the test procedure by identifying additional surfaces and edges of the probe and simplifying the commenter's suggested definition of what constitutes a failure.

C. V-shaped Cutouts

After reviewing the proposed test procedure, the Commission staff suggested that it needed to be revised to prohibit certain V-shaped cutouts that present the entrapment hazard (52). Those cutouts were permitted by the language of the proposal.

The proposed test would have permitted V-shaped cutouts symmetrical about a vertical axis (upright) if the angle between the legs of the "V" was less than the included angle between surfaces of the headform probe designated "B". Such cutouts would allow passage of the probe as long as it is permitted to "ride upward" on the edges of surfaces "B" (and cause the neck of the probe to lose contact with the crib panel), while being swung through a vertical arc. This riding upward action, however, is not consistent with the premise of the test procedure that gravity alone should be sufficient to allow a child to fall free without becoming entrapped.

The Commission therefore revised the test procedure so that simultaneous contact of the panel with both surfaces "B" would not be permitted (52). The following combinations of contacts with the panel are permitted: surface "B" and surface "A"; two edges "AB;" and surface "B" and an opposing edge "AB."

There could also be V-shaped cutouts that are asymmetric with respect to the vertical (tilted sideways) (52). Such a configuration would exist on a crib panel where a convex (semicircular)

shape meets a cornerpost or canopy support. Similar configurations have been used on crib head and footboards. Depending on the size of the angle formed, these configurations could present the entrapment hazard, but would not fail the test if the probe is swung only through a vertical arc.

To prohibit hazardous asymmetrical V-shaped cutouts, the Commission revised the test procedure to require that, upon completion of the swing to the upright position, the probe be "rocked sideways" in a plane parallel to the plane of the crib panel (52). If the rocking motion results in prohibited contact between the probe and the panel, the cutout fails the test. The rocking motion would not affect the results of tests on cutouts that are not V-shaped.

D. Economic Considerations

After revising the test procedure, the Commission staff reviewed the preliminary economic assessment that accompanied the December 1980 proposal (53, 54). A review of 1980 and 1981 manufacturers' catalogs identified several models containing an asymmetrical V-shape cutout formed by the cornerpost or canopy support and a convex-shaped end panel. However, none of those cutouts would clearly fail the revised August 1981 test procedure (54). The Commission stated that it did not believe the August 1981 revisions would place an added burden on crib manufacturers, and suggested that the final amendments could become effective six months after their issuance.

IV. Public Comments on Revisions

Following the August 1981 notice, the Commission received public comments from two crib manufacturers and a trade association. Specifically they came from Child Craft (58), the Juvenile Products Manufacturers Association, Inc. (JPMA) (59), and Qwestor Juvenile Products Company (60).

The public comments and the Commission's responses will be discussed by topic:

A. "Rocking Test"

1. JPMA has commented that the "rocking test," described in section III C above, is vague (59). This comment stems, in part, from the statement in section (b)(2) of the August 1981 revised test procedure that "the headform may be rocked from side to side" (emphasis added) upon completion of the upward swing portion of the procedure.

The word "may" was used to indicate that it is unnecessary to perform the rocking test on every cutout subject to

⁴ All of the issues raised in these comments are discussed in this section or, where the same issues were raised during the extended comment period, in section IV below.

the amendments (71). Instead, it should be performed only when the cutout is a V-shape. Because of the nature of the test procedure, such cutouts may not fail during the process of swinging the headform probe through a vertical arc to an upright position. As discussed in section IIIC, the rocking test is necessary to identify any asymmetrical V-shape cutouts that present the unreasonable strangulation risk to children.

To eliminate any possible vagueness or confusion, the Commission has decided to clarify the language of the rocking test procedure (71). Accordingly, subsection (b)(2) in the final amendments reads as follows (in pertinent part): "If a cutout is V-shaped (the side boundaries or the tangents to the side boundaries are nowhere parallel), an additional test shall be performed on the cutout. Upon completion of the swing to the upright position, rock the headform sideways. . . ."

JPMA's comment concerning vagueness also stems from its uncertainty about whether the probe is permitted to slide along the panel during the rocking test. The Commission's response is that the probe must slide for the rocking test to be performed properly (75). Therefore, subsection (b)(2) of the final amendments below now contains a new sentence that specifically describes the sliding motion: "This will result in the probe sliding toward the bottom of the cutout."

2. All three commenters have made substantive objections to the rocking test. Child Craft has stated that a crib "with a very large convex radius (nearly a straight line) on the top rail and a moderate post extension" would fail the test procedure (58). Similarly, Child Craft has stated that a cutout that is an asymmetrical V-shape with an included angle of 89 degrees would fail the test (58). The Commission believes that both of these described cutouts would pass the test. Since the commenter has stated incorrectly that simultaneous contact with a crib end panel and surface "B" and edge "AB" of the probe would constitute a failure, the comment may be based on a misconception about the proper test procedure (71). If not, the Commission's full discussion of asymmetrical V-shapes, below, will likely respond to Child Craft's concerns about the rocking test.

Questor has stated that the rocking test offers no useful purpose and may eliminate some crib designs that have canopy supports extending from a horizontal top edge of a crib end or side panel (60). The Commission's response

is that such designs would not fail the test procedure (71).

JPMA has stated broadly that the rocking test would ban cribs that pose no risk of strangulation caused by entrapment (59). To respond to this comment, the Commission must discuss the test procedure in some detail (71, 72, 75, 76).

The headform probe and test procedure were designed to identify crib panel cutouts that had proved hazardous and cutouts that were similar enough to present the same hazard. Such cutouts essentially were those consisting of two distinct projections that were too close together to permit the passage of the head.

The hazard scenario generally involved entrapment of the back of the child's head by the two projections. After the test procedure was first developed, however, the Commission realized that certain V-shaped cutouts could also present an entrapment hazard. The original test procedure, as proposed in December 1980, did not fully address that additional hazard.

If a V-shaped cutout is too narrow, i.e., if it has an included angle that is too small, the entrapment hazard is presented. With the child's neck at the base of the V, its head would be unlikely to fall free from the narrow V-shaped cutout. Symmetrical V-shaped cutouts will fail the test if the included angle is less than 75½ degrees. However, if an asymmetrical V-shape is the same size, it would pass the test procedure without necessarily being any less of a risk. The reason for this is that the probe must remain upright during the test. The rocking test is intended to remedy this situation, and assure that cutouts will not pass the test only because they happen to be asymmetrical instead of symmetrical.

Since the Commission has limited injury data on V-shaped cutouts in cribs, it has also evaluated the available data on such cutouts in all children's products (35, 71). Specifically, the Commission knows of ten child head entrapment incidents involving V-shaped cutouts. Nine involved V-shapes along the top edge of wooden folding corrals and baby gates. The included angle of those symmetrical V-shaped cutouts, where known, ranged from 33 to 70 degrees. These incidents all involved symmetrical openings with included angles of less than 75½ degrees. Similar openings on crib panels would not be permitted by the Commission's crib cutout test procedure. The Commission has no injury data for symmetrical V-shaped cutouts with included angles of more than 70 degrees. However, the

prohibition of cutouts with included angles between 70 and 75½ degrees provides a margin of safety that is justified by the Commission technical staff's belief that head entrapment could occur in such cutouts.

The tenth head entrapment injury incident involves an asymmetrical V-shape cutout located in the footboard of a crib that was formed by the junction of a vertical canopy support and a scalloped top edge in the footboard. Its included angle was about 50 degrees. Since the Commission's test procedure would also prohibit asymmetrical V-shapes with included angles of less than 75½ degrees (because of the rocking test), the cutout involved in this incident would be banned by the crib amendments below.

According to JPMA, a number of currently-marketed cribs would fail the test procedure because they have asymmetrical V-shapes with included angles of less than 75½ degrees (59). JPMA has submitted illustrations of such cribs and asserted that they do not pose a strangulation risk.

After the close of the public comment period, on October 21, 1981, the Commission staff met with some crib manufacturers who are members of JPMA (61). The manufacturers discussed some cribs that they believed failed the test procedure but were not hazardous. They also volunteered to submit a test procedure that could be substituted for the rocking test. Their test was submitted, and it involves placing a 4½ inch straight edge on the neck portion of the headform probe. Its effect would be to decrease from 75½ to about 70 degrees the included angle of asymmetrical V-shapes that would fail the test procedure.

The Commission acknowledges that no known injury incidents have involved V-shaped cutouts with included angles between 70 and 75½ degrees. The Commission also recognizes that asymmetrical V-shapes may be less hazardous than symmetrical V-shapes, depending on the amount of tilt. Nevertheless, the Commission believes that the rocking test is a reasonable and necessary provision for protecting children from head and neck entrapment in cribs.

The Commission has no injury or other data that supports the substitution of the industry's suggestion, except that its economic burden might be less because certain crib designs currently on the market would presumably be allowed to remain on the market. In addition, the nature of the hazard precludes a single solution that will apply perfectly to every possible crib

cutout. There are limitless combinations of head shapes and sizes throughout the population of crib users. The shapes and sizes of crib cutouts are similarly limitless. The Commission believes that its test procedure, including the rocking test, distinguishes between hazardous and non-hazardous cutouts in the most practical and appropriate way possible.

B. Economic Impact

JPMA's comments asserted that the rocking test would cause economic harm to the industry (59). At the October 21, 1981 meeting with the JPMA-member crib manufacturers, the staff asked for any data that would support this assertion (61). Specifically, the staff requested the number of crib designs that would require modification, the number of crib units affected, the types of redesigns that would be required and the associated costs, and information on the expected impact from implementation of the JPMA's alternative test requirements.

Six manufacturers⁵ responded to this request by providing information (63, 64, 65, 66, 67, 69). Two of the manufacturers reported that the crib amendments, including the rocking test, would require no changes in their cribs (63, 67). A third manufacturer reported that 11 crib designs, representing 12 percent of sales and inventory, would require modification costing approximately \$100,000 (65). A fourth manufacturer reported that modification would be necessary for five crib designs, accounting for 5,100 units and approximately eight percent of sales. That manufacturer estimated that its costs would be \$50-60,000 (64). The fifth manufacturer did not specify the number of models or cribs that would be affected, but estimated its costs at \$630,000, with \$500,000 due to lost sales revenues, \$25,000 for a new catalog and advertising materials, and \$105,000 for several types of manufacturing costs (66). The sixth manufacturer reported that one model would be affected by the amendments, and that 1040 cribs would therefore require modification (69).

The Commission can neither verify nor disprove the estimated cost data submitted by the crib manufacturers. Nevertheless, the Commission will assume its accuracy, for purposes of discussion, because other data and factors support the Commission's belief

that the economic impact on the crib industry will be minimal (77):

1. The cost information submitted by the manufacturers is based on the assumption that cribs that fail to comply with the amendments will have to be retrofitted before being sold. This will not be the case because the amendments will apply only to cribs introduced into interstate commerce after a date in the future. Now that the amendments have been issued, in this document, the manufacturers can undertake any necessary redesigning or retooling to assure that no noncomplying cribs will be introduced into interstate commerce after that date. (The effective date is discussed in section V below. It was proposed to be between two and eight months following issuance, and has now been set as six months from publication of the amendments. This will provide ample time for any necessary redesign or retooling of noncomplying cutouts. (85)).

The Commission believes that any costs of redesign, retooling, administration, or advertising will be minimal and can be incorporated into the manufacturers' usual production and distribution cycle. No large or disruptive costs will prevent manufacturers from assuring that all of their crib models manufactured in six months will comply with the amendments. Therefore, no costs will be incurred from the retrofitting of already-manufactured cribs.

2. Some manufacturers believe that the noncomplying crib models will not sell after the final amendments have been issued, even though the amendments do not apply to those cribs then in inventory. In follow-up telephone conversations with the staff, three crib manufacturers made this point and spoke of consumer and retailer resistance to such cribs (79). However, the staff discussed this point by telephone with several retailers, and were told that consumers would be unlikely to be aware of any difference between complying and noncomplying cribs (79). In addition, the retailers were not concerned because inventories of cribs turn over in 30-40 days.

3. Using the manufacturers' estimates of numbers of crib models that will be affected by the amendments⁶ and the

manufacturers' cost data for retrofitting, the Commission has concluded that the per unit cost attributable to the amendments would still average out to less than \$1 per crib (assuming the total costs to a manufacturer are spread over its entire production of cribs). Since this is a very small percentage of the \$70-200+ retail price of cribs, there would not necessarily be any perceptible change in the retail price of cribs.

In summary, the Commission believes that the costs imposed by the crib amendments on the industry, if any, will be minimal redesign and retooling costs for a few crib models. Consumers will continue to enjoy a broad choice among a large variety of crib styles and models, and the utility of cribs will be unaffected by the amendments. Similarly, the minimal costs are unlikely to result in any impact on the competition among crib manufacturers in general or on the viability of small businesses in particular.

C. Headform Probe

1. JPMA has suggested that the lower surface "D" on the headform probe be subdivided into two new surfaces "C" and a remaining surface "D" (59). The two new triangular surfaces "C" would then be adjacent to the new rectangular-shaped surface "D".

The purpose of this change would be to prevent a failure resulting from a single point contact on either of these new surfaces "C". Such a single point contact, for example from a spherical knob on a corner post, is unlikely to present the entrapment hazard. This would be the case as long as the head would not simultaneously contact any portion of the crib across from the knob. If any opposing surface were contacted in combination with surface "C", failure would still result.

The Commission agrees with JPMA's suggestion (72). It helps to focus the test procedure on the cutouts that present the entrapment hazard, without reducing the protection to children. The change has been adopted in the final amendments below.

2. JPMA has also suggested that the dimensions of the headform be changed to exempt certain headboards possessing small indentations that "pose no risk of injury" (59). JPMA has provided no specific suggestion for such an exemption and the Commission cannot determine from the picture of the one example submitted whether the small cutout would comply with or fail the test procedure. In any case, the

manufacturers misunderstood the need to retrofit cribs, as discussed above.

⁵A seventh manufacturer responded with information based on a provision (not the rocking test) that was changed in August 1981 (68). Since the final amendments (at section (b)(1)) incorporate an additional change that addresses this manufacturer's concerns about economic impact, consideration of this follow-up economic submission is unnecessary.

⁶The information from the responding manufacturers shows that 17 crib models, involving roughly 1,000 cribs each, might have to be modified. Since more than 1 million cribs are manufactured in the United States yearly, the percentage of noncomplying cribs would be below two percent (77). (This contrasts sharply with JPMA's claim that the amendments would affect 50 percent of the current crib production.) In any case, the Commission believes that the responding

Commission knows of no such cutouts that do not present the same hazard addressed by the amendments, and has not changed the probe in response to this comment.

3. In a broader comment, JPMA has stated that "[t]he dimensions of the probe are not in any way representative of the heads of children which the regulations seek to protect" (59).

The Commission disagrees with this comment (72, 51). As explained above, the probe is intended to represent a range in the population and will only be an approximation of any one individual. The "worst case" is used for each dimension to provide a margin of safety, so it is highly unlikely that any individual would possess these extremes. The maximum width of the head is used because this is the dimension involved with the hazard pattern. Since the precise location of that dimension is undocumented, a two-inch band is used to allow for variation in location throughout the range of the population.

Most children who use cribs are approximately two years of age or under. However, children over two years of age do use cribs and they were not ignored in the statistical formulation of the probe.

One of the hazard patterns involves children falling onto the crib panel. Since this involves force that compresses the victim's neck, a 25 percent compression factor was used in conjunction with the neck size approximation. This is particularly appropriate because infants do not have a completely calcified bone structure and their muscular system is not well developed. As a result, there is considerable pliability in the neck.

The Commission still believes that its headform probe is based on human factors professional judgment and the best available anthropometric data. Except for the change involving surfaces "C and D", discussed above, the probe remains unchanged from the one proposed in December 1980.

D. Miscellaneous

1. JPMA has stated that the proposed regulations do not clearly state whether a single contact of an edge adjacent to surface "D" constitutes a failure (59). More specifically, this comment cites to a conflict in language between subsections (b)(1) and (b)(2) of the proposed amendments, and suggests a language change.

The Commission agrees with JPMA that the suggested language is preferable (71). Therefore, the final amendments below adopt the following language for subsection (b)(1) as a clarifying change:

"If, during the swing to an upright position, an edge or surface other than surface "D", is contacted, sideways motion of the headform shall not be restrained."

2. Questor has stated that the use of the word "panel" may be confusing to those who are not knowledgeable about the construction of cribs (60). The word is used in the regulation to refer to the location of the cutouts as being along the upper edges of an end or side panel.

The use of a substitute word (the commenter proposed "board" or "rail") could make the regulation more confusing, especially if the substitution were made after so much attention has already been focused on the existing language. Since only one commenter has expressed any problem with the word "panel," and since that commenter apparently understands the amendments, the Commission has decided not to adopt the suggestion.

3. JPMA has suggested a different clarification in the wording of the amendments (59). The last sentence of subsection (b)(1) permits sideways movement of the headform if it makes a nonfailing contact during its swing. JPMA notes that the sentence does not specify how the sideways motion is to be executed, and suggests that it state that the neck is not to be rotated nor the probe moved from a vertical plane.

The second sentence of subsection (b)(1) specifies that "[t]he probe shall not be rotated about the major axis of the neck during [the test] procedure," and the Commission sees no need to repeat this instruction in the last sentence of the same subsection (71). The next sentence states that "[t]he arc through which the head is swung shall be in a vertical plane." While this instruction similarly does not need repeating, it does require clarification for the situation in which a non-failing, single-point contact occurs (71). Therefore, the Commission has added to the last sentence of subsection (b)(1) the instruction that "the arc through which the headform is swung shall remain vertical." This clarifies that the probe must continue in a new vertical plane after it is moved sideways along the panel.

V. Effective Date

The comments received on an appropriate effective date have generally indicated that six months of lead time would be acceptable, if the amendments are not issued in the middle of the model year. Specifically, JPMA's most recent comments were that the amendments should not become effective before January 1, 1983 (59).

In accordance with the discussion in section IVB above, the Commission believes that a lead time of six months will assure that the amendments will have no more than a minimal impact on the industry (77). This is supported by an economics staff memo that considers the impact of a six-month lead time as of September 7, 1982 (85). At the same time, the Commission does not believe that the amendments need to be made effective in less than six months because it knows of no models currently on the market that present a very grave risk of injury to children. After balancing the risk of injury presented by any noncomplying cribs on the market and the need to minimize the economic impact on the industry as much as possible, the Commission has decided on an effective date that is six months from now.

In December 1980 the Commission proposed that the amendments apply to all cribs introduced into interstate commerce after the effective date. However, the final amendments issued below apply to all cribs manufactured after the effective date. Since it is usually easier to determine when a crib is manufactured than when it is introduced into interstate commerce, this change will make industry compliance and Commission enforcement easier. If the change has any economic effect, it would probably be to impose a slightly smaller burden on industry because a crib manufactured just before the effective date may not be introduced into interstate commerce until after the effective date. Such a crib, under the amendments (and in contrast to the proposed amendments), would not be subject to the crib cutout requirements issued below.

VI. Environmental Review

The Commission has issued environmental review procedures (16 CFR Part 1021; 45 FR 69433; October 21, 1980) concerning agency compliance with the National Environmental Policy Act, as amended. These procedures provide that safety regulations for products normally have little or no potential for affecting the human environment and that preparation of environmental documents is generally not required (§ 1021.5(c)(1)). If a particular safety regulation for products may produce environmental effects, the Commission would prepare appropriate environmental documents.

The Commission reviewed the proposed crib amendments and concluded that they have little or no potential for significantly affecting the

human environment (45). At most, they will require alteration of certain crib designs manufactured in the future. Therefore, the Commission prepared no environmental documents in considering that proposal.

The Commission's opinion of the final crib amendments is that they would also have little or no potential for significantly affecting the human environment.

VII. Conclusion

Based on the public comments, the discussion above, and the information contained in the record of this proceeding, the Commission has found that cribs with certain cutouts on their end or side panels present a "mechanical hazard" within the meaning of section 2(s) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261(s)). In normal use, the design of cribs containing such cutouts presents an unreasonable risk of personal injury to children.

The hazard presented to children, strangulation, is the most severe hazard possible. It is a hazard that children cannot protect themselves against; it is a hazard that parents would not expect to be presented by a product in which children spend a great deal of their early lives. The frequency of the risk is more difficult to evaluate. The Commission knows of fourteen injury incidents that the amendments would address (see footnote 2), including eight deaths. However, all but one of these deaths were associated with the two models that contained the "deepest" cutouts encountered by the Commission. Based on this factor and on the high potential cost of notification and retrofit activities, the amendments apply only to cribs that have not yet been manufactured.

The Commission expects the amendments to impose very small costs on the crib industry. Redesigning and retooling will be necessary for a small percentage of available crib models, at most, and the six months of lead time will permit such changes to be made as part of the normal business cycle. Any testing, advertising, administrative, or other costs will also be minimal or nonexistent.

The Commission has carefully considered the severity and, to the extent possible, the frequency of the risk that the amendments would address, as well as the costs that would be associated with the amendments. The Commission's conclusion is that the risk presented by cribs not yet manufactured is an "unreasonable" one, under the applicable statutory criteria, if the cribs

contain cutouts that fail the test procedure.

The Commission further concludes that the benefits bear a reasonable relationship to the costs. Even though neither benefits nor costs can be fully quantified in this case, the costs will be minimal and the benefits would be measured in terms of saved lives.

If such cribs present a mechanical hazard and are intended for use by children, they are "hazardous substances" under section 2(f)(1)(D) of the FHSA and "banned hazardous substances" under section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261 (f)(1)(D) and (q)(1)(A)). Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), 74 Stat. 1304-05, 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends Parts 1508 and 1509 by adding the identical new §§ 1508.11 and 1509.13 and new Figures 2 and 3 which would appear at the end of each part as follows:

List of Subjects in 16 CFR Parts 1508 and 1509

Consumer protection, Cribs, Infants and children.

PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

PART 1509—REQUIREMENTS FOR NON-FULL-SIZE BABY CRIBS

§ 1508.11/1509.13 Requirements for cutouts.

Full-size/Non-full-size baby cribs shall comply with the following test requirements:

(a) Place the neck of the headform probe shown in Figure 2 into any cutout (partially-bounded opening) located along the upper edges of an end or side panel. The axis of the neck shall be horizontal and at right angles to the plane of the panel at the point of contact. The head portion of the probe shall be on the outer side of the panel. With the neck resting on the panel at any point within the cutout area (for compliance purposes, the Commission may test at all points that could result in a failure), and the front of the probe pointing downwards, draw the head of the probe towards the panel until surface "A" makes contact with the outer side of the panel (see Figure 3).

(b)(1) Press down on the neck to cause the head to swing upwards through the cutout in the panel. The probe shall not be rotated about the major axis of the

neck during this procedure. The arc through which the head is swung shall be in a vertical plane and shall terminate when the major axis of the neck attains an upright position or is prevented from attaining an upright position by an obstruction. During the test, contact shall be maintained between surface "A" (or at least one of edges "AB"), the neck of the headform probe and the panel. If, during the swing to the upright position, an edge or surface other than surface "D" is contacted, sideways motion of the headform shall not be restrained, but the arc through which the headform is swung shall remain vertical.

(2) If a cutout is V-shaped (the side boundaries or the tangents to the side boundaries are nowhere parallel), an additional test shall be performed on the cutout. Upon completion of the swing to the upright position, rock the headform sideways parallel to the plane of the panel while maintaining contact between surface "A" or an edge "AB" and the panel. This will result in the probe sliding toward the bottom of the cutout. The maximum angle through which the headform is rocked shall be determined by contact with the panel by a surface or edge other than "A" or "AB" or until one of the surfaces "B" is in a vertical plane.

(c) During the test described in paragraph (b) of this section, no portion of the panel shall contact:

(1) Simultaneously, more than one of surfaces "B", "C" or edges "BC," "CC," or "CD," in any combination if they are on opposing sides of the headform.

(2) Any of surfaces "D".

Note.—Edges are identified by the letter designations for surfaces that lie on either side of the edge.

Effective date: The amendments apply to all cribs manufactured after April 27, 1983.

(Secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), 74 Stat. 372, 374, 375, 80 Stat. 1304-05, 83 Stat. 187-89, 15 U.S.C. 1261, 1262)

Dated: October 22, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Documents Supporting the Regulation

1. Staff briefing package, including restricted cover memorandum and briefing paper, November 12, 1980. (The Tabs are listed separately as documents below):

2. Tab A HIEH Memorandum "Data for Crib Amendment," with attachments; December 14, 1979; 14 pages.

HIEH Memorandum "Crib Amendment—Additional Comments," March 26, 1980; 3 pages.

3. Tab B HIEA Memorandum "Update of Data Related to Crib Amendment," October 15, 1980; 2 pages.

HIEA Memorandum "Analysis of Injury Data Associated with Crib Finials and Cornerposts," June 12, 1980; 2 pages.

HIEA Memorandum "Injury Data Update for Crib Headboard Configurations Amendment," January 2, 1980; 1 page.

4. Tab C Albert F. Esch, "Fatal Entrapment of Infants in Crib Headboards II," with attachment; March 12, 1980; 4 pages.

"Health Sciences Review & Recommendations Regarding the Proposed Crib Amendment," February 14, 1980; 7 pages.

5. Tab D ESEM Memorandum "Proposed Amendment to the Crib Regulations," with attachment; March 13, 1980; 4 pages.

6. Tab E HICP Memorandum "Preliminary Economic Assessment of Crib Amendment," February 1, 1980; 7 pages.

HICP Memorandum, "Crib Amendment," March 10, 1980; 2 pages.

HICP Memorandum, "Crib Amendment," April 2, 1980; 1 page.

HICP Memorandum, "Design-Production Cycle for Cribs," October 24, 1980; 2 pages.

7. Tab F CERM Memorandum, "Amendments to the Crib Regulation," January 15, 1980; 1 page.

8. Tab G Draft FEDERAL REGISTER Notice "Proposed Amendment to Requirements for Full-Size and Non-Full-Size Baby Cribs"; 21 pages.

9. ESEM Memorandum, "ESEM Comments on Headform Probe for Amendment to Crib Regulations," with attachments; January 29, 1980; 8 pages.

10. Memorandum from Jim Hill, "Response to Crib Amendment FR Notice," April 2, 1980; 1 page.

11. Letter from Gulf & Western Industries, Inc.; March 14, 1980; 4 pages (Restricted in part).

12. Notes of telephone conversations between Jacob Handelsman and Joel Cunard; January 15, 1980; 4 pages.

13. Notes of telephone conversations between Jacob Handelsman and officials of Questor; January 1980; 2 pages.

14. Notes taken by Jacob Handelsman concerning staff investigations of hazardous cribs; January 1980; 7 pages. (Restricted).

15. Notes of conversation between Jacob Handelsman and a Juvenile Product Manufacturers Association official; January 21, 1980; 1 page.

16. Notes of conversation between Jacob Handelsman and an official of Simmons; January 17, 1980; 1 page.

17. Notes of conversation between Jacob Handelsman and an official of Okla Homer Smith; 1 page.

18. Memo of conversation between Jacob Handelsman and an official of Connor Forest Industries; January 11, 1980; 2 pages.

19. Memo of conversation among Jacob Handelsman and two officials of Child Craft; January 18, 1980; 3 pages.

20. Letter from Connor Forest Industries; January 22, 1980; 1 page.

21. Barber, C. R., et al, "Growth of the Skull in Young Children II—Changes in Head Shape," *Journal of Neurology, Neurosurgery and Psychiatry*, 10, pp. 54-56, 1956.

22. Boyd, J. D., "Clinical Appraisal of Infant Head Size," *American Journal of Diseases of Children*, 69, pp. 71-82, 1945.

23. Goldstein, M., "Development of the Head in the Same Individuals," *Human Biology*, 4, pp. 197-219, 1939.

24. Goldstein, M., "Changes in Dimensions and Form of the Face and Head with Age," *American Journal of Physical Anthropology*, 22, No. 1, pp. 37-98, 1939.

25. Goodenough, F. L., *Development Psychology*, Appleton-Century-Crafts, Inc., N.Y., 1962.

26. Meredith, H. V., "Changes in the form of the Head and Face during Childhood," *Growth*, 24, pp. 215-265, 1960.

27. Snyder, G. R., et al, "Anthropometry of Infants, Children and Youths to Age 18 for Product Safety Design, Final Report," Contract CPSC C-75-0068, May 1977.

28. Snyder, R. G., et al, "Physical Characteristics of Children as Related to Death and Injury for Consumer Product Safety, Final Report," Contract FDA 72-70, May 1975.

29. Snyder, R. G., et al, "Source Data of Infant and Child Measurements, Interim Data 1972," Contract FDA 72-70, Interim Report, Reprinted 1975.

30. Young, J. W., "Selected Facial Measurements of Children for Oxygen Mask Design," Federal Aviation Agency, Office of Aviation Medicine, Oklahoma City, Oklahoma, 1966.

31. Brazelton, T. B., *Infants and Mothers Differences in Development*, New York; Delta Book, Dell Publication, 1969; portions.

32. Caplan, F. (ed.), *The First Twelve Months of Life*, The Princeton Center for Infancy and Early Childhood, New York; Grosset and Dunlap, 1973; portions.

33. McGraw, M. B., *The Neuromuscular Maturation of the Human Infant*, New York; Hafner, 1969; portions.

34. L. Joseph Stone and Joseph Church, *Childhood and Adolescence*, New York, Random House, 1975; page 82.

35. In-depth investigation reports on incidents involving cribs, baby gates, and baby corals; various dates (Restricted in part.)

36. HS Memorandum, "Additional Data on Crib Headboards," September 19, 1980; 12 pages.

37. HIEA Memorandum, "In-depth Investigations of Crib Related Accidents," with attachments; August 29, 1980; 206 pages. (Restricted in part.)

38. HS Memorandum, "Additional Information for Crib Amendment Project," August 8, 1980; 9 pages.

39. OPM Memorandum, "Additional Information on the Crib Amendment Project," with restricted vote sheet; July 3, 1980; 16 pages.

40. Staff briefing package including cover memorandum, June 17, 1980, 28 pages.

41. Various restricted enforcement documents.

42. Tapes of Commission briefings and meetings.

43. Feldman, K. W., and Simms, Roy J., "Strangulation in Childhood: Epidemiology and Clinical Course," *Pediatrics*, Vol. 5, No. 6, June, 1980; pages 1079-1085.

44. "Infant Strangulation," *Pediatrics*, Neonatology Supplement 59; 1977; pages 1043-1045.

45. *Federal Register* document proposing crib amendments for public comment; December 16, 1980.

46. Comment from Child Craft; January 19, 1981.

47. Comment from Juvenile Products Manufacturers Association; February 13, 1981.

48. Comment from Action for Child Product Safety; February 12, 1981.

49. Comment from Okla Homer Smith Furniture Manufacturing Company, Inc.; February 17, 1981.

50. Cover memo and briefing paper from Elaine Besson, OPM; July 20, 1981.

51. Memo from D. T. Van Houten, HIEH; April 2, 1981 (revised May 15, 1981).

52. Memo from John Preston, ESMT; May 7, 1981.

53. Memo from Jacob Handelsman, HICP, March 30, 1981.

54. Memo from Jacob Handelsman, HCIP; May 28, 1981.

55. Ballot vote memorandum from Carole Roth, OGC; July 27, 1981.

56. *Federal Register* document extending public comment period; August 28, 1981.

57. Letter from Elaine Besson specifically soliciting comments from 24 interested people and groups; August 1981.

58. Comment from Child Craft; September 14, 1981.

59. Comment from Juvenile Products Manufacturers Association; September 28, 1981.

60. Comment from Questor Juvenile Products Company; September 28, 1981.

61. Log of meeting between CPSC staff and crib industry, October 21, 1981.

62. Letter from Aaron Locker, Representing JPMA, to Commission; October 29, 1981.

63. Letter from Welsh Juvenile Products; December 7, 1981.

64. Letter from Okla Homer Smith; December 8, 1981.

65. Letter from Child Craft; December 11, 1981.

66. Letter from Simmons Juvenile Products Company, Inc.; December 18, 1981.

67. Letter from Questor (Ohio); December 14, 1981.

68. Letter from Questor (California); December 21, 1981.

69. Letter from Pat Higdon Industries; February 9, 1982.

70. Memo from Regina Miles, HIEA; October 26, 1981.

71. Memo from John Preston, ESMT; December 24, 1981.

72. Memo from D. T. Van Houten, EPHF; December 30, 1981.

73. Memo from George Rutherford, EPHA; July 9, 1982.

74. Memo from George Rutherford, EPHA; July 15, 1982.

75. Memo from John Preston, ESMT; May 10, 1982.

76. Memo from D. T. Van Houten, EPHF; May 18, 1982.

77. Economic Assessment of the Crib Amendment by George Nichols; April 1982.

78. Memo From Albert Esch, M.D.; June 24, 1982.

79. Logs of telephone conversations between George Nichols and industry representatives; January 1982–September 1982.

80. Canadian Cradles and Cribs Regulations; October 15, 1981.

81. Cover memo and briefing paper from John Liskey and Terri Rogers, OPM; July 27, 1982.

82. Memo from Alan Shakin, OGC. (RESTRICTED); August 10, 1982.

83. Vote sheets; August 20, 1982.

84. Tape of Commission briefing; September 1, 1982.

85. Memo from George Nichols, ECCP; September 7, 1982.

86. Tape of Commission Meeting; September 8, 1982.

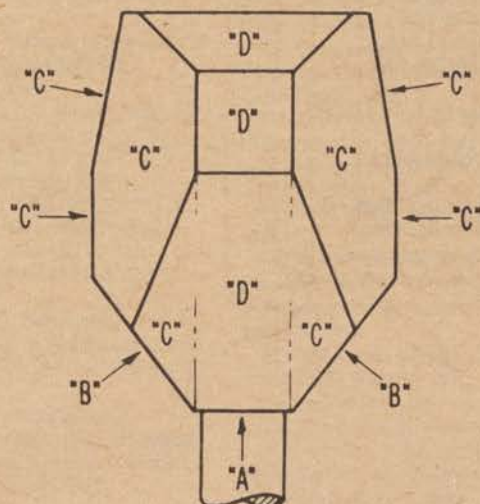
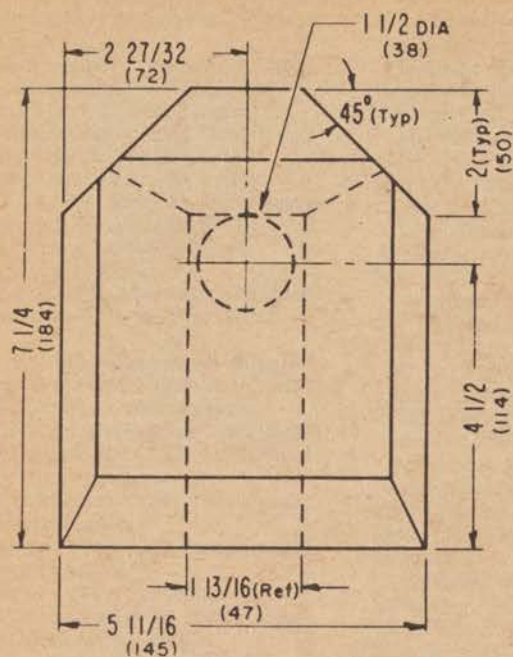
87. Ballot vote sheets on final **Federal Register** document; September 1982.

88. **Federal Register** document issuing final amendments to crib regulations (see above).

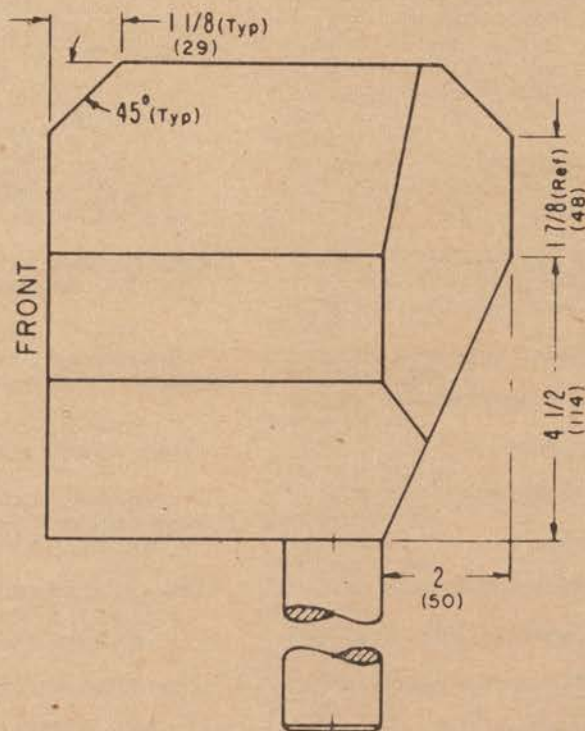
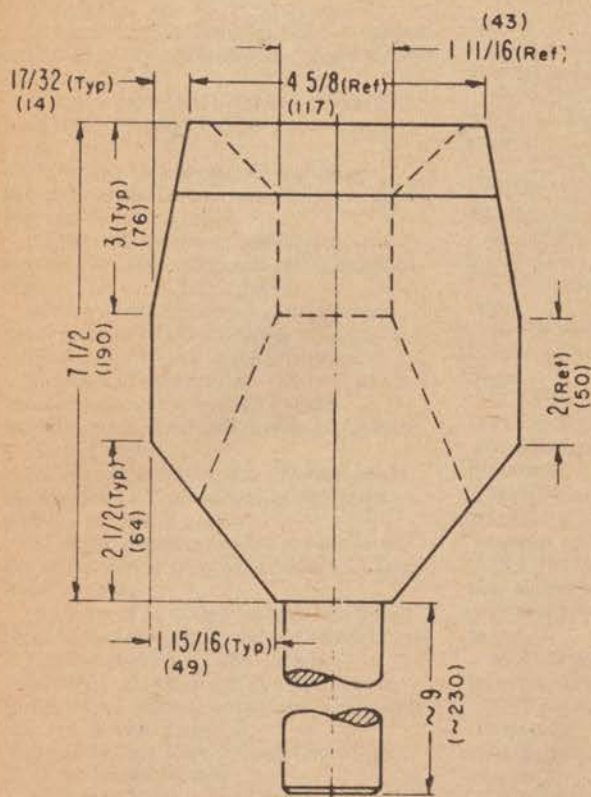
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FIG 2-HEADFORM PROBE

DIMENSIONS ARE SHOWN IN INCHES AND WILL BE USED FOR COMPLIANCE PURPOSES. MILLIMETERS, SHOWN IN PARENTHESIS, ARE FOR CONVENIENCE ONLY.



REAR VIEW—
IDENTIFYING SURFACES



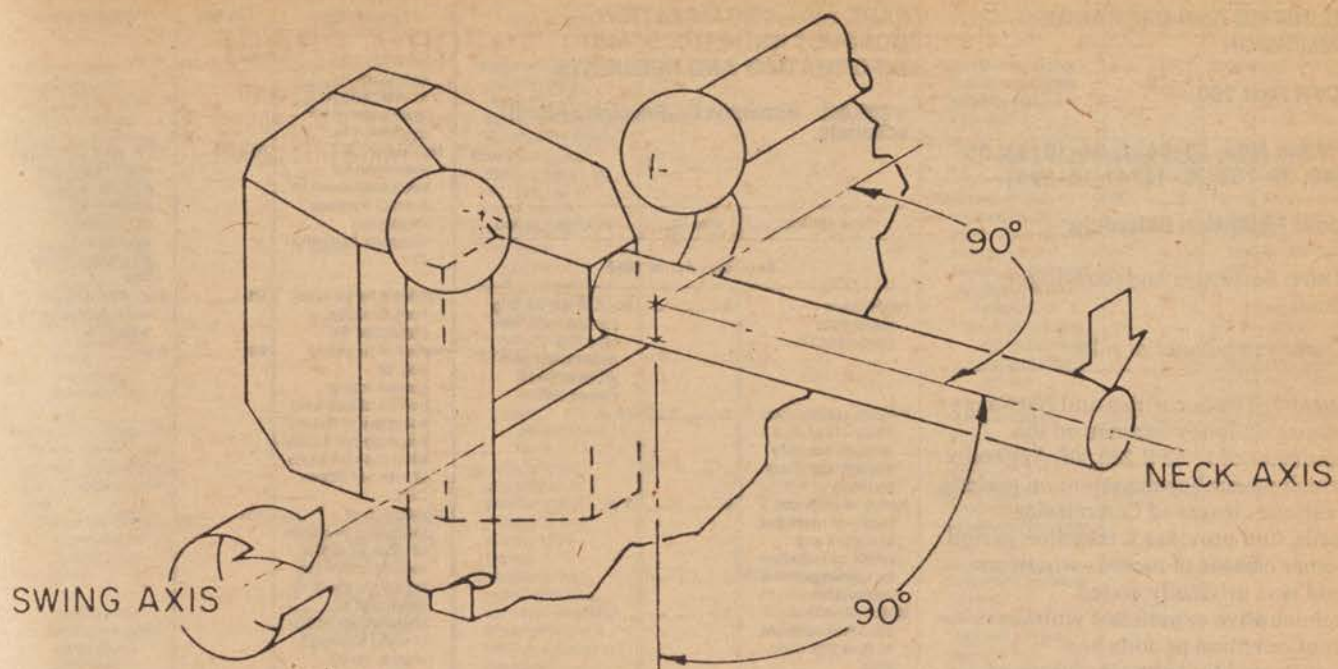


FIG. 3

[FR Doc. 82-29556 filed 10-26-82; 8:45 am]

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SECURITIES AND EXCHANGE
COMMISSION

17 CFR Part 200

[Release Nos. 33-6431; 34-19143; 35-
22669; 39-758; IC-12741; IA-828]

Record Retention Schedule

AGENCY: Securities and Exchange
Commission.

ACTION: Amendment of rule.

SUMMARY: The Securities and Exchange Commission today announced the amendment of 17 CFR 200.80f, Appendix F, which prescribes the retention periods for various classes of Commission records, and provides a retention period for other classes of records where no period was originally stated. Administrative experience with the current retention periods has demonstrated that certain classes of records may be maintained for shorter periods of time. As amended, the records retention schedule will permit the disposal of records as to which there no longer is an enforcement or regulatory interest and will help prevent the Commission's retention filing system from becoming overburdened and cumbersome.

DATE: Effective October 27, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert Michael Duffey, Office of the General Counsel, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Telephone: (202) 727-2454.

Regulatory Flexibility Act: No regulatory flexibility analysis (or certification that one is not required) is necessary because the rule is procedural and thus not within the definition of "rule" for purposes of Chapter II, Title 17, Code of Federal Regulations.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

The authority for Part 200 is as follows:

Authority: Pub. L. 78-115, 57 Stat. 380; Pub. L. 81-754, 64 Stat. 578; Pub. L. 94-575, 80 Stat. 2713.

Section 200.80f, Appendix F, of subpart D, Part 200, Chapter 11 of Title 17 CFR is revised as follows:

PART 200—ORGANIZATION;
CONDUCT AND ETHICS; AND
INFORMATION AND REQUESTS§ 200.80f Appendix F—Records control
schedule.

Type of filing	File No.	Retention period
Securities Act of 1933		
Registration statements (regulation C).	2-	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Periodic reports (sec. 15(d)—1934 Act) (annual, quarterly current, and proxy material).	2-	10 yr.
Notice of proposed resale of restricted securities and resale of securities by control persons (forms 144).	9-	6 yr.
Notice of sale of securities pursuant to Rule 242 (form 242).	15-	Do.
Application for exemption from Section 5 registration for interests or participations issued in connection with Keogh Plans (Section 3(a)(2)).	18-	10 yr.
Notice of sale of securities pursuant to Section 4(6) (form 4(6)).	19-	6 yr.
Offering sheets for oil or gas royalties—regulation B (schedules A, B, C, and D).	20-	15 yr.
Reports of sale (accorded confidential treatment) (forms 1-G).	20-	7 yr.
Reports after termination of offering (forms 3-G).	20-	Do.
Notice of Sale for offerings under Regulation D and Section 4(6).	21-	6 yr.
Notification of exemption from registration (regulation A).	24-	10 yr. after completion or termination of offering or order permanently suspending exemption, whichever comes first.
Report of issuers of sale of securities deemed not to involve any public offering (form 146).	29-	6 yr.
Notice of sales of securities by closely held issuers (issuers with 100 or fewer beneficial owners) other than investment companies, registered or required to be registered under the Investment Company Act of 1940 (forms 240).	90-	6 yr.
Applications for relief from disability (regulation A).	92-	5 yr. after date on which final action is taken.

Type of filing	File No.	Retention period
Notification of exemption for assessment or assessable stock (regulation F).	94-	10 yr.
Notification of exemption for securities issued by a small business investment company (regulation E).	95-	10 yr. after completion or termination of offering or order permanently suspending exemption, whichever comes first.
Applications for relief from disability (regulation F).	96-	5 yr. after date on which final action is taken.
Notice of proposed sale by noncontrolling person of restricted securities of issuers which do not satisfy all of the conditions of rule 144 (forms 237).	98-	6 yr.
Notification of exemption of shares of stock or similar security offered to provide funds to be distributed to shareholders in lieu of using fractional shares, script certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction (rule 236).	100-	Do.

Securities Exchange Act of 1934		
Registration statements.	1-, 0-	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Periodic reports (Sec. 13(a)) (annual, quarterly, current, and proxy material).	1-, 0-	10 yr.
Reports by NASDAQ issuers.	1-, 0-	Do.
Notices and applications for reentry or continuance in membership and applications for review of disciplinary actions—self-regulatory organizations (Rules 19d-2, 19d-3 and 19h-1).	3-	Do.
Consolidated Quotation System Plan and Amendments.	4-281	For as long as plan remains approved plus 6 yr.
Intermarket Trading System Plan and Amendments.	4-208	For as long as plan remains approved plus 6 yr.
Acquisitions, tender offers and solicitations.	5-	10 yr. from date of last entry or document.
Reports of beneficial ownership of securities (sec. 16(a)).	6-	6 yr.
Applications for permission to extend unlisted trading privileges and related applications pursuant to Rules 12f-.	7-	10 yr.

Type of filing	File No.	Retention period	Type of filing	File No.	Retention period	Type of filing	File No.	Retention period
Applications for registration as broker-dealer and related reports.	8-	For as long as broker-dealer is registered plus 10 yr.	Annual and supplemental reports of the Municipal Securities Rulemaking Board.	80-	10 yr.	Reports for missing, lost or counterfeit securities (form X-17F-1A).		Indefinitely.
Annual report-income and expenses.	8-	10 yr.	Exemption from Section 12(g), 13, 14, 15(d) or 16 (Rule 12h-2).	81-	10 yr.	Public Utility Holding Company Act of 1935		
Reports by OTC market makers (form X-17A-12).	8-	6 yr.	Exemptions for American Depository Receipts and certain foreign securities (Rule 12g3-2).	82-	10 yr.	Notification and registration by public utility holding companies and annual supplements.	30-	For as long as holding company has a reporting requirement plus 10 yr.
Reports by third market makers (form X-17A-16).	8-	Do.	Periodic reports:			Applications and declarations.	37-	For as long as service company is part of registered holding company system plus 5 yr.
Reports by broker-dealer block positioners (form X-17A-17).	8-	Do.	Inter-American Development Bank.	83-1	3 yr.	Applications and declarations for authorization of service companies.	50-	2 yr. after closing. ¹
Forms and reports of nonmembers of securities association (SECO broker-dealers).			Asian Development Bank.	83-2	3 yr.	Order granting or withdrawing exemptions from rules.	52-	Do.
Personnel forms (Forms SECO-2, SECO 2-F, U-4).	8-	For as long as broker-dealer has reporting requirement plus 6 yr.	Applications for registration as a transfer agent (nonbank) and amendments thereto.	84-	For as long as agent is registered plus 6 yr.	Applications for approval of reorganization under sec. 11(f).	54-	Do.
Annual assessment and information forms (Form SECO-4).	8-	For as long as broker-dealer has reporting requirement plus 6 yr.	Applications for registration as a municipal securities dealer which is a bank or separately identifiable department or division of a bank and amendments.	86-	For as long as municipal securities dealer is registered plus 6 yr.	Divestment of securities, assets or control.	55-	Do.
Initial fees and information form (Form SECO-5).	8-	For as long as broker-dealer has reporting requirement plus 6 yr.	Personnel forms for municipal securities dealers (bank regulator forms MSD-4 and MSD-5).	86-	For as long as dealer has a reporting requirement plus 6 yr.	Applications for approval of fees incurred in connection with plan under sec. 11(f).	59-	Do.
Other periodic financial reports of broker-dealers pursuant to Rule 17a-5(a) and (b) (includes monthly and quarterly reports, and customer statements of SECO firms).		6 yr.	Applications for registration as a securities information processor and amendments.	87-	For as long as securities information processor is registered plus 6 yr.	Simplification of corporate structure.	70-	Do.
Applications by an exchange for registration as a national securities exchange.	10-	For as long as the exchange is registered plus 6 yr.	Applications for exemption as a securities information processor.	88-	For as long as securities information processor has a reporting requirement plus 6 yr.	Applications/declarations pursuant to secs. 6(b), 7, 9, 9(c)(3), 10, 12(b), 12(c), 12(d), 12(f) and applicable rules thereunder.		
Applications for listing securities on an exempted exchange.	13-	10 yr.	(Secs. 12(b) and 12(g) and exemptions thereunder). Exemption—American Depository Receipts.	92-	Rule 12g-3(a)(b). 10 yr.	Statements and reports.	6-	6 yr.
Applications for registration as a national securities association or affiliated securities association.	16-	For as long as the association is registered plus 6 yr.	Reports of disciplinary actions by self-regulatory organizations (Rule 19d-1).			Reports of beneficial ownership of securities (sec. 12(a)).	12-1	Until new statement is filed.
Reports on stabilizing activities (forms X-17A-1).	17-	6 yr.	Stock Exchange.....	128-8	6 yr.	Statements pursuant to sec. 12(i) by persons employed or retained by a registered holding company or subsidiary thereof.		
Application for exemption pursuant to Rule 17a-15(h) (amended and redesignated Rule 11Aa3-1(g)).	23-	As long as exemption is in effect plus 6 yr.	NASD.....	205-3C	Do.	Exemption of purchaser, assignee, etc., of leased facilities.	32-	For life of lease plus 5 yr.
Plans by exchanges authorizing payment of special commissions in connection with distributions of securities on exchanges (Rule 10b-2(d)).	26-	As long as plan is in effect plus 6 yr.	Clearing agencies.....	600-9	Do.	Statement under rule 70(a)(1) executed by financial institution authorizing representative to serve as officer/director of holding company, filed by representative.	38-	For as long as officer/director serves.
Applications for exemption from Section 13(f).	27-	10 yr.	Suspension of trading of securities other than on a national securities exchange (Section 15(c)(5)).	500-	10 yr.	Certificates of notification by registered holding companies and subsidiaries, of security issues exempted from sec. 6(a) by sec. 6(b) or exempt under rule 47(b) and not the subject of an order of the Commission.	40-	Until new certificate is filed.
Reports by institutional investment managers of information with respect to accounts over which they exercise discretion (form 13f).	28-	4 yr.	Applications for registration as a clearing agency and amendments thereto.	600-	For as long as agency is registered plus 6 yr.			
			Applications for exemption from registration as a clearing agency.	601-	For as long as agency has a reporting requirement plus 6 yr.			
			Proposed rule changes and notices as to stated policies and interpretations by self-regulatory organizations.	SR-	For as long as organization is registered plus 6 yr.			
			Consolidated Transaction Reporting Plan and Amendments.	S7-433	For as long as plan remains approved plus 6 yr.			

Type of filing	File No.	Retention period
Report by an affiliate service company or one engaged principally in the performance of services.	62-.....	For as long as service company is part of registered holding company system plus 5 yr.
Declaration with respect to solicitations regarding reorganization of registered holding companies of subsidiaries subject to Rule 62.	68-.....	10 yr.
Report of communication with stockholders (secs. 14 and 15).	72-.....	2 yr.
Periodic accounting reports:		
Annual report by mutual and subsidiary service companies.	49-.....	For as long as service company is part of registered holding company system plus 5 yr.
Statements and reports from unregistered (exempt) companies		
Statement of exemption from the act by order.	31-.....	For as long as company relies on exemption.
Annual statement by banks holding public utility securities but claiming exemption under rule 3.	33-1.....	2 yr.
Annual statements by holding companies claiming exemption pursuant to rule 2 (intrastate or predominantly operating companies).	69-.....	Do.

Trust Indenture Act of 1939

Statements of eligibility and qualification of corporations or individuals as trustees under qualified indenture under which debt security has been or is to be issued and exemptions thereto.	22-.....	For the life of the indenture.
Reports of indenture trustee to indenture security holders with respect to eligibility and qualification under sec. 310.	93-.....	1 yr.

Investment Advisers Act of 1940

Applications for registration as investment adviser.	801-.....	For as long as investment adviser is registered plus 6 yr.
Applications for exemption from registration as investment adviser.	803-.....	For as long as investment adviser is conducting business under an exemption plus 6 yr.

Investment Company Act of 1940

Reports of beneficial ownership of securities (sec. 30(f)).	6-.....	6 yr.
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Type of filing	File No.	Retention period
Notifications and registration statements.	811-.....	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Periodic reports (Annual, quarterly, semiannual, proxy material).	811-.....	10 yr. ²
Applications for exemption and other relief.	812-.....	10 yr. ²
Applications by foreign management investment companies for order permitting registration.	812-.....	30 Yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Notice of Intent to elect to be subject to Sections 55 through 65 of the Investment Company Act of 1940.	814-.....	2 yr. from date of filing.
Notification of withdrawal of Election to be subject to Sections 55 through 65 of the Investment Company Act of 1940.	814-.....	Do.
Notification of Election to be subject to Sections 55 through 65 of the Investment Company Act of 1940.	814-.....	30 yr. or for as long as a class of the issuer's equity securities is registered under the Securities Exchange Act of 1934 plus 10 yr., whichever comes first.
Request for advisory report regarding reorganization of registered investment company.	816-.....	6 yr.
Report of repurchase of securities by closed end investment company.	817-.....	Do.
Sales literature regarding securities of certain investment companies (sec. 24(b)).	818-.....	Do.
Statement of the Federal Savings & Loan Corp. relating to the exemption of certain issuers.	819-.....	Do.
Compliance reports (sec. 12(f)).		Do.

Miscellaneous files and reports

Administrative proceedings stop orders.	3-.....	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Disciplinary proceedings (broker-dealer and investment adviser).	3-.....	25 yr.
2(e) Proceedings	4-.....	Do.
All others	3-.....	Do.
Securities violations files.	119-.....	10 yr. from date of last reported action.
General correspondence:		
Active companies	132-3.....	10 yr.
Inactive companies.	132-3.....	6 yr.
All others	132-3.....	6 yr. from date of last entry.

Type of filing	File No.	Retention period
Litigation files.....	LIT-.....	10 yr. (except for briefs), 25 years (briefs).
Do.....	CIV-MISC.....	10 yr.
Do.....	CRIM-MISC.....	Do.
Reorganization files (Chapters IX, X, XI).	206-, 207, etc., 917-, etc.	30 yr. from date that plan was substantially consummated.
Minutes of Commission meetings: Record copies of minutes of meetings of Commission since its establishment and orders and opinions of the Commission.		
Confidential treatment materials		
Periodic reports (1933 and 1934 Acts).		10 yr.
Subject files		
Federal Government agencies (miscellaneous correspondence).	111-.....	10 yr.
Congressional files:		
House		
Committees	112-4.....	Permanent.
Members of Congress.	122-2.....	Retain until expiration of term in office plus 1 yr.
Senate Committees	122-3.....	Permanent.
Congressional Commissions and Joint Committees.	122-6.....	Do.
Canadian Extradition Treaty (correspondence).	123-13.....	Do.
Legislation and Laws: Suggested amendments to acts administered by the Commission.	124-1 through 124-6; 124-11, 124-20.	Do.
Proposed legislation submitted by Senate to SEC for comment.	124-7.....	Do.
Proposed legislation submitted by House to SEC for comment.	124-7a.....	Do.
Bills not yet reported in Congress (drafted).	124-7b.....	Do.
Stock exchanges (general correspondence).	128-4.....	For as long as organization is registered plus 6 yr.
Rules and regulations under the separate acts (1933, 1934, 1935, 1939, 1940-IA, and 1940-IC).	140-.....	Permanent.
NASD (general correspondence).	205-3.....	For as long as organization is registered plus 6 yr.
Advisory committees to the Commission.	265-.....	Permanent.
Rule proposals (SEC), comments, views, etc.	S7-.....	Do.
Reports of Internal Inquiries: Supporting Documentation.		5 yr. from date of final action if no final report is issued, or 5 yr. from date of final report.
Final Reports		5 yr. from date of final report.

¹ A file is "closed" when the transaction(s) proposed and/or other issues raised are finally resolved by an appropriate Commission order which does not expressly reserve jurisdiction with respect to any further matters, and the applicant or declarant has consummated such transaction(s) or taken such other steps as may be required to fully comply with the terms and conditions imposed by the Commission in its order.

² Excludes closed and investment companies. Retention schedule to be supplied by amendment.

The Commission finds that this amendment pertains only to procedural

matters and eliminates certain restrictions in the present rule; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, requiring advance notice and opportunity for comment. Accordingly, it is effective immediately.

By the Commission.

Dated: October 15, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29272 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket Nos. RM82-2-000, RM82-2-001, RM82-2-002, RM82-2-003]

Amendments to Regulations Governing Case-by-Case Exemptions From All or Part of Part 1 of the Federal Power Act for Small Hydroelectric Power Projects With an Installed Capacity of 5 Megawatts or Less

Issued: October 20, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Granting Rehearing Solely for Purpose of Further Consideration.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order granting limited rehearing on three applications filed with respect to the Commission's final rule amending the definition of "small hydroelectric power project." The rule provides specific guidance on what constitutes a natural water feature project and makes several changes to provisions governing the filing and consideration of initial and competing applications for small hydroelectric power projects.

The Commission's order grants rehearing solely to allow sufficient time for further consideration of the rehearing applications. The order does not constitute a grant or denial of any application on its merits, either in whole or in part.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chanania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

In the matter of amendments to regulations governing case-by-case exemptions from all or part of Part 1 of the Federal Power Act for Small Hydroelectric Power Projects with an installed capacity of 5 megawatts or less; order granting rehearing for purpose of further consideration.

On August 27, 1982, the Federal Energy Regulatory Commission (Commission) issued a final rule amending the definition of "small hydroelectric power project" to provide specific guidance on what constitutes a natural water feature project that may be exempted from certain provisions, including licensing provisions, of Part 1 of the Federal Power Act (Docket No. RM82-2-000, Order No. 255, 47 FR 38506 (September 1, 1982)). The rule also made several changes to regulations governing the filing and consideration of initial and competing applications for small hydroelectric power projects.

The Commission has received three timely petitions for rehearing of this final rule from the Tulalip Tribes of Washington (Docket No. RM82-2-001); the Upper Skagit Indian Tribe, Swinomish Tribal Community, Sauk-Suiattle Indian Tribe, Skagit System Cooperative, and Point No Point Treaty Council (Docket No. RM82-2-002); and the National Wildlife Federation, Idaho Wildlife Federation, Montana Wildlife Federation, Natural Resources Defense Council, Inc., Friends of the River, Trout Unlimited, Inc., Tulalip Tribes of Washington, and Columbia River Intertribal Fish Commission (Docket No. RM82-2-003).

In order to afford sufficient time to consider the issues raised in these petitions, the Commission will grant rehearing of the final rule solely for the purpose of such further consideration.

The Commission Orders:

Rehearing of Order No. 255 is granted solely for the limited purpose of further consideration of the issues raised in the three petitions for rehearing. This action does not constitute a grant or denial of any petition on its merits, either in whole or in part. As provided in Rule 713(d)(1) of the Commission's Rules of Practice and Procedure, 18 CFR 385.713(d)(1), no answers to these petitions will be permitted.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29489 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 82-148]

Entry of Certain Antique Articles Under the Endangered Species Act Amendments of 1978

Correction

In FR Doc. 82-23008, beginning on page 36630, on Monday, August 23, 1982, on page 36631, in the first column, in § 10.53, the second paragraph should be designated as paragraph "(e)".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 2H5363/T96; PH-FRL 2232-5]

Tolerances for Pesticides in Animal Feeds; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit the combined residues of the herbicide glyphosate and its metabolite in or on soybean hulls. This regulation to permit the marketing of soybean hulls while further data are collected on the herbicide was requested pursuant to a petition by Monsanto Co.

EFFECTIVE DATE: October 27, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of September 22, 1982 (47 FR 41855) which announced that Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036, had submitted a feed additive petition (FAP 2H5363) proposing that 21 CFR 561.253 be amended by the establishment of a regulation permitting the combined

residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in soybean hulls at 30 parts per million (ppm) resulting from the application of the herbicide on soybeans in conjunction with a proposed experimental use program.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the regulation included an acute oral toxicity study in rats with a median lethal dose (LD₅₀) of greater than 5,000 milligrams (mg)/kilogram (kg) of body weight (bw); an acute dermal toxicity study in rabbits with an LD₅₀ greater than 5,000 mg/kg; and eye irritation study in rabbits (slight irritation); a dermal irritation study in rabbits (slight irritation); a rat teratology study with no-observed teratogenic effects at 3,500 mg/kg/day and fetotoxic no-observed-effect level (NOEL) is 1,000 mg/kg/day; a rabbit teratology study with no observed teratogenic effects at 350 mg/kg/day and fetotoxic NOEL of 175 mg/kg/day, no evidence of mutagenicity in rec-assay (*B. subtilis*) up to 2,000 ug/test, reverse mutation, Ames test (*Salmonella*); a mouse dominant lethal assay at 2,000 mg/kg; a 2-year rat chronic/oncogenic study with a NOEL 31 mg/kg/day and negative oncogenic potential; a three-generation rat reproduction study with a NOEL of 10 mg/kg/day; and a human dermal patch study which shows it is not a primary irritant.

Desirable studies that are currently lacking are a chronic oral toxicity study in a non-rodent species and an oncogenicity study in a second species. The petitioner has agreed to perform these studies.

Tolerances have previously been established for glyphosate. The current tolerances occupy 23.28 percent of the acceptable daily intake (ADI) and the current theoretical maximal residue contribution (TMRC) is 1.3971 mg/day/1.5 kg. Granting these tolerances will increase the percentage of the occupied ADI to 24.20 percent. The new TMRC will be 1.4522 mg/day/1.5 kg. The ADI is based on a NOEL of 10 mg/kg/day (3-generation rat reproduction study) and a 100-fold safety factor.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residue in plants and animals is adequately understood. Adequate analytical methods, gas chromatography using a

phosphorous-specific-flame photometric detector and liquid chromatography, are available for enforcement purposes.

The pesticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: October 12, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.253 is revised to read as follows:

§ 561.253 Glyphosate.

(a) A feed additive regulation is established permitting the combined residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the following feed commodities.

Feeds	Parts per million
Citrus pulp, dried.....	0.4
Soybean hulls.....	20

(b) A feed additive regulation is established for glyphosate in or on the following feed commodities resulting from the application of glyphosate to growing crops in accordance with an experimental use program. The conditions set out in paragraph (b) of this section shall be met.

Feeds	Parts per million	Company	Expiration date
Soybean hulls.....	30	Monsanto	Oct. 12, 1984

(1) Residues in the feed in excess of the established tolerance resulting from the use described in this paragraph remaining after expiration of the experimental program will not be considered to be actionable if the herbicide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the feed additive regulation.

(2) The Company concerned shall immediately notify the Environmental Protection Agency of any findings for the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 82-28952 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF EDUCATION

34 CFR Subtitles A and B

Effective Dates of Regulations

AGENCY: Department of Education.

ACTION: Notice of effective dates of regulations.

SUMMARY: The Secretary of Education provides notice of the effective dates of certain final regulations. When these regulations were published in the **Federal Register**, the Secretary promised to publish a notice stating the effective date of the regulations. Publication of this notice fulfills the Secretary's commitment and informs the public of the effective dates of the regulations.

EFFECTIVE DATES: For the effective dates of these regulations see Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

A. Neal Shedd, Director, Division of Regulations Management, 400 Maryland Avenue, SW., (Room 2129, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Under Section 431(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), Department of Education regulations must be transmitted to Congress for a 45-day review period. Regulations are transmitted to Congress concurrently with publication in the *Federal Register* and become effective 45 days after publication. However, the statutory effective date may change if Congress takes certain adjournments. The Department is therefore publishing this notice of the effective dates of these regulations in order to inform the public. Determination of these effective dates is based on Congressional adjournments as published in the *Senate Calendar of Business* and the *House Calendars of the United States House of Representatives and History of Legislation*.

The following Department of Education regulations became effective on the dates stated. Regulations are listed by title, part number, and *Federal Register* citation and publication date.

1. College Library Resources Program; 34 CFR Part 773; 46 FR 31866 (June 17, 1981); Effective date: August 1, 1981.

2. Research in Education of the Handicapped; 34 CFR Part 324; 46 FR 31996 (June 18, 1981); Effective date: August 2, 1981.

3. Special Education Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program and College Assistance Migrant Program; 34 CFR Part 206; 46 FR 35072 (July 6, 1981); Effective date: September 4, 1981.

4. Law School Clinical Experience Program; 34 CFR Part 639; 46 FR 36338 (July 14, 1981); Effective date: September 4, 1981.

5. State Student Incentive Grant Program; 34 CFR Part 692; 46 FR 36342 (July 14, 1981); Effective date: September 4, 1981.

6. Library Research and Demonstration; 34 CFR Part 777; 46 FR 37484 (July 20, 1981); Effective date: September 4, 1981.

7. Bilingual Education: Desegregation Support Program; 34 CFR Part 520; 46 FR 37594 (July 21, 1981); Effective date: September 4, 1981.

8. Institutional Grants for Graduate and Professional Study; 34 CFR Part 648; 46 FR 37866 (July 22, 1981); Effective date: September 5, 1981.

9. Training in the Legal Profession; 34 CFR Part 651; 46 FR 37870 (July 22, 1981); Effective date: September 5, 1981.

10. College Housing Program; 34 CFR Part 614; 46 FR 38880 (July 29, 1981); Effective date: September 12, 1981.

11. Veterans' Cost-of-Instruction Payments to Institutions of Higher Education; 34 CFR Part 629; 46 FR 39778 (August 4, 1981); Effective date: September 18, 1981.

12. Cooperative Education Program; 34 CFR Parts 631, 632, 633, 634, and 635; 46 FR 39784 (August 4, 1981); Effective date: September 18, 1981.

13. Supplemental Funds for Cooperative Education; 34 CFR Part 636; 46 FR 39804 (August 4, 1981); Effective date: September 18, 1981.

14. Bilingual Education Training Projects; 34 CFR Part 510; 46 FR 44140 (September 2, 1981); Effective date: October 23, 1981.

15. National Institute of Handicapped Research; 34 CFR Parts 350, 351, 352, 353, 354, 355, 356, and 362; 46 FR 45300 (September 10, 1981); Effective date: October 25, 1981.

16. Continuing Education Outreach—State-Administered Program; 34 CFR Part 605; 46 FR 46925 (September 23, 1981); Effective date: November 7, 1981.

17. Experimental Program for Opportunities in Advanced Study and Research in Education; 34 CFR Part 703; 46 FR 49584 (October 7, 1981); Effective date: November 21, 1981.

18. Minority Institutions Science Improvement Program; 34 CFR Part 637; 46 FR 51204 (October 16, 1981); Effective date: December 9, 1981.

19. Graduate and Professional Study Fellowships Program; 34 CFR Part 649; 46 FR 55255 (November 9, 1981); Effective date: January 11, 1982.

20. National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; 34 CFR Parts 674, 675, and 676; 47 FR 736 (January 6, 1982); Effective date: March 3, 1982.

21. Educational Opportunity Centers; 34 CFR Part 644; 47 FR 2258 (January 14, 1982); Effective date: March 3, 1982.

22. Financial Assistance for School Expenditures and Construction in Cases of Certain Disasters; 34 CFR Part 219; 47 FR 3328 (January 22, 1982); Effective date: March 8, 1982.

23. Talent Search Program; 34 CFR Part 643; 47 FR 7604 (February 19, 1982); Effective date: April 22, 1982.

24. Special Services for Disadvantaged Students Program; 34

CFR Part 646; 47 FR 9150 (March 3, 1982); Effective date: April 29, 1982.

25. Upward Bound Program; 34 CFR Part 645; 47 FR 9158 (March 3, 1982); Effective date: April 29, 1982.

26. International Education Programs; 34 CFR Parts 655, 656, 657, 658, and 660; 47 FR 14113 (April 1, 1982); Effective date: May 16, 1982.

27. Fund for the Improvement of Postsecondary Education; 34 CFR Part 630; 47 FR 15552 (April 9, 1982); Effective date: May 24, 1982.

28. Grants to State Educational Agencies to Improve the Interstate and Intrastate Coordination of Migrant Education Activities; 34 CFR Part 205; 47 FR 17246 (April 21, 1982); Effective date: June 17, 1982.

29. Cooperative Education Program; 34 CFR Parts 631, 632, 633, 634, and 635; 47 FR 17252 (April 21, 1982); Effective date: June 17, 1982.

30. Consolidated Grant Applications for Insular Areas; 34 CFR Part 76; 47 FR 17420 (April 22, 1982); Effective date: June 17, 1982.

31. Training Program for Special Programs Staff and Leadership Personnel; 34 CFR Part 642; 47 FR 17786 (April 23, 1982); Effective date: June 17, 1982.

32. Supplemental Funds for Cooperative Education; 34 CFR Part 636; 47 FR 18852 (May 3, 1982); Effective date: June 17, 1982.

33. Pell Grant Program; 34 CFR Part 690; 47 FR 20737 (May 13, 1982); Effective date: June 27, 1982.

34. College Housing Program; 34 CFR Part 614; 47 FR 22020 (May 20, 1982); Effective date: July 21, 1982.

35. National Institute of Handicapped Research Funding Priorities for Fiscal 1982; 34 CFR Parts 350 and 352; 47 FR 24038 (June 2, 1982); Effective date: July 21, 1982.

36. Special Programs for Students from Disadvantaged Backgrounds; 34 CFR Parts 642, 643, 644, 645, and 646; 47 FR 24938 (June 8, 1982); Effective date: July 23, 1982.

37. Innovative Programs for Severely Handicapped Children Funding Priorities for Fiscal 1982; 34 CFR Part 315; 47 FR 27089 (June 23, 1982); Effective date: August 7, 1982.

38. Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance; 34 CFR Part 106; 47 FR 32526 (July 28, 1982); Effective date: September 17, 1982.

39. National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; 34 CFR Parts 674, 675, and

676; 47 FR 33228 (July 30, 1982); Effective date: September 17, 1982.

40. National Direct Student Loan Program, College Work-Study Program, and Supplemental Educational Opportunity Grant Program; 34 CFR Parts 674, 675, and 676; 47 FR 33398 (August 2, 1982); Effective date: September 17, 1982.

Dated: October 21, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-29522 Filed 10-26-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2140-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: The EPA announces final rulemaking on revisions to the Indiana State Implementation Plan (SIP) for ozone. This action conditionally approves the State's strategy to control volatile organic compound (VOC) emissions from stationary industrial sources in areas which are nonattainment for ozone. EPA's action is based upon a revision which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

EFFECTIVE DATE: This final rulemaking becomes effective on November 26, 1982.

ADDRESSES: Copies of the SIP revisions, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses.

Environment Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the State submittal are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (Act), the EPA designated certain areas in Indiana as not attaining the National Ambient Air Quality Standard (NAAQS) for photochemical oxidants (subsequently changed to ozone). Part D of the Act requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982 or, in certain cases, by December 31, 1987. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemaking published in the Federal Register at 44 FR 20372 (April 4, 1979) and supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182).

An adequate SIP for ozone is one which provides for sufficient control of VOC from stationary and mobile sources to provide for attainment of the standards. For stationary sources, the plan must include, as a minimum, legally enforceable requirements reflecting the application of reasonably available control technology (RACT) for those stationary sources for which the EPA has published a Control Techniques Guideline (CTG) by January 1978, (Group I) and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. The CTG's published by the preceding January must be adopted and submitted to EPA. Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II) were originally due July 1, 1980 (44 FR 50371, August 28, 1979). EPA revised the July 1, 1980, deadline to January 1, 1981 (45 FR 78121, November 25, 1980). The State has submitted its Group II RACT regulations to EPA and, on May 13, 1982 (47 FR 20586), the regulations were proposed for public comment.

In general, where the State regulations are not supported by the information in the CTGs, the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs.

In response to the requirements of Part D of the Act, the State of Indiana submitted a strategy to control emissions from the Group I CTG source

categories to the EPA on February 11, 1980. The submittal consists of a revised regulation APC-15, Volatile Organic Compound Emission Limitations.

The revised regulation is divided into the following major sections:

Section 1—Definitions

Section 2—Applicability

Section 3—Surface Coating Emission Limitations

Source Category Subsections: (a) Automobile and Light Duty Trucks, (b) Can Coating, (c) Coil Coating, (d) Paper Coating, (e) Fabric and Vinyl Coating, (f) Metal Furniture, (g) Large Appliances, (h) Magnet Wire.

Section 4—Solvent Metal Cleaning: (a) Cold Cleaners, (b) Open Top Vapor Degreasers, (c) Conveyorized Degreasers

Section 5—Petroleum: (a) Petroleum Refining Sources, (b) Fixed Roof Storage Tanks for Petroleum Liquid, (c) Bulk Gasoline Terminal, (d) Bulk Gasoline Plant, (d) Gasoline Dispensing Stations

Section 6—Miscellaneous Operations: (a) Asphalt Paving

Section 7—Emissions of Organic Solvents

Section 8—Compliance: (a) Method of Compliance

Section 9—Compliance Schedules

Section 10—Test Methods and Procedures

Section 11—Repealer

Section 12—Force and Effect

Section 13—Saving Clause

Section 14—Severability

On March 15, 1982 (47 FR 11042), EPA proposed rulemaking on revised APC-15. A summary of EPA's proposed rulemaking follows. The reader is referred to the notice of proposed rulemaking for further details.

Summary of Proposed Rulemaking

1. EPA proposed to approve the revised regulation APC 15 (submitted February 11, 1980), with the exceptions described in the notice of proposed rulemaking, and to incorporate it into the Indiana SIP. EPA proposed that Section 3 (surface coating emission limitations) of revised APC-15 replace the current Federally enforceable SIP (existing APC 15, 38 FR 12698) requirements for the affected sources. For all other existing VOC sources, the requirements of the current Federally approved SIP (existing APC 15, 38 FR 12698) will remain a part of the SIP until compliance with the revised APC 15 requirements is achieved. Accordingly, EPA proposed to approve the December 31, 1982, compliance date provided in revised APC 15 only for those sources

covered by Section 3 and those existing sources that were not previously regulated under the current Federally enforceable SIP.

2. EPA proposed approval of a "bubble" provision, Section 8(a)(2), with the understanding that Indiana would adhere to the EPA "bubble policy" published in the *Federal Register* (44 FR 71780) and, therefore, submit each bubble as a SIP revision. EPA recommended that Indiana submit a generic bubble rule as described in an EPA policy statement published in the *Federal Register* (46 FR 20551).

3. EPA proposed to approve a compliance date of December 31, 1982, for existing sources of VOC emissions (referred to in Sections 5(c) through (f)) which are not covered by the requirements of 40 CFR 52.787. Existing gasoline marketing sources in Marion County are subject to 40 CFR 52.787. Therefore, EPA proposed to exclude these sources in Marion County from the 1982 compliance data required by Section 5.

4. EPA proposed to approve conditionally the Part D requirement for Group I CTG regulations in the ozone nonattainment areas of the State covered by revised APC 15 Sections 3(a)(2), 3(f)(2), 3(g)(2), 3(e), 5(e) and 10. EPA proposed to accept up to a six-month completion date (from final rulemaking) for corrections.

5. Additionally, EPA proposed to remove provisions of the current Federally approved SIP (existing APC 15, 38 FR 12693) affecting sources of VOC emissions in attainment/unclassifiable areas.

During the public comment period, EPA received three comments. The Agency's evaluation of these comments is summarized below.

State Comments

The Air Pollution Control Board (APCB) responded to our proposed rulemaking in a letter dated May 7, 1982, and supports EPA's conclusion that the SIP revision requiring control of VOC emissions is conditionally approvable. The APCB commented on EPA's proposed approval of a "bubble" provision, Section 8(a)(2), on the conditionally approvable rules noted in point 4 above, and committed to finalize changes to revised APC 15 to satisfy the conditions of EPA's conditional approval. On June 2, 1982, the State further notified EPA that finalized changes to APC 15 will be submitted to the APCB for action by December 31, 1982. This will allow the State to submit the revised State promulgated regulation to EPA by July 1, 1983. A summary of

each State comment and EPA's response follow.

Bubble Policy

On April 7, 1982, the APCB adopted a generic bubble rule which will supercede the requirements specified in the VOC rule, Section 8(a)(2). The bubble provisions in revised APC 15 are no longer necessary and will be deleted.

Response: EPA agrees with the State that a generic bubble rule is superior to the "bubble" rule contained in Section 8(a)(2) of revised APC 15 on which EPA proposed approval. EPA will take rulemaking action on the generic rule when the State submits it as a SIP revision and, therefore, takes no action on Section 8(a)(2) at this time.

Section 3(a)(2), (f)(2), (g)(2)—Surface Coating Emission Limitations

Instead of modifying the transfer efficiency equations, the APCB proposes to delete the equations. The equations will be replaced with a general statement which will approve transfer efficiency improvement on a case-by-case basis. The approvals will be submitted to EPA as source specific SIP revisions.

Response: EPA agrees with the State's comment.

Section 3(e)—Surface Coating Emission Limitations

The APCB commented that the equation contained in the fabric and vinyl coating rule will be deleted and submitted a proposed revised rule for EPA review.

Response: EPA has reviewed the proposed rule, visited the affected facilities in the State and, based upon best engineering judgment, agrees that the proposed rule represents RACT. The EPA will take rulemaking action when the State submits the rule as a SIP revision.

Section 5—Petroleum

The APCB believes that a 20,000 gallon/month throughout exemption is within approximately 5 percent of emissions that result from a regulation requiring control of 2,000 gallon capacity tanks. Therefore, the APCB will provide, within six months from the effective date of this final rulemaking, justification for its 20,000 gallon/month exemption demonstrating that exempt emissions are within 5 percent of RACT requirements.

Response: EPA accepts the States' commitments to conduct a study to demonstrate that the present rule represents RACT.

Section 10—Test Methods and Procedures

The APCB will add the reference test procedures specified in CTG document EPA 450/2-77-026 to APC 15. EPA will take rulemaking action when the State submits the rule as a SIP revision.

Industry Comment

EPA received one comment from industry. The commentor supports EPA's position that Section 3, surface coating emission limitations, of revised APC-15 replace the current Federally enforceable SIP requirements for the affected surface coating sources and supports EPA's policy of allowing afterburner shutdown during the months of November through March. The commentor claims this afterburner shutdown policy results in the use of an incineration emission reduction credit for purposes of applying the emission limitations of Section 3 of revised APC 15 during these months.

Response: The emission limitations in Section 3 are to be achieved at all times through the use of add-on control or coating reformulation. Only if add-on control is the compliance option, can it be turned off in the winter months. EPA policy is based upon energy conservation considerations. ("Revised Seasonal Afterburner Policy", December 1, 1980, Walter Barber, Director Office of Air Quality Planning and Standards.) The Indiana rule does not provide for emission reduction credits in the winter months if the afterburner is continued to be operated.

Public Comment: EPA received a comment from Save the Dunes Council of Beverly Shores, Indiana. The commentor is concerned with Section 8(a)(1)(A)(ii) which eliminates the requirement for incineration in the months of November through March, provided that it is not required for the control of toxic substances or odor, and provided that an episode level for ozone has not been declared under the provision of APC 15. The commentor wrote that there have been many citizen complaints about odor in Indiana and requests EPA to disapprove this section of APC 15.

Response: Referring again to EPA's "Revised Seasonal Afterburner Policy", any plan revisions which provide for afterburner shutdown in the period of November through March can be approved. The policy applies to gas-fired afterburners installed to control emissions of VOCs for the purpose of reducing ambient ozone concentrations. It does not apply to flares (which do not use natural gas as an auxiliary fuel).

VOCs vented to boilers, afterburners operated principally for odor control, or afterburners operated to control toxic or hazardous substances.

Final Determination of APC 15

EPA's decision is based on the review of the comments received from the State, industry and public and on the State's commitment to finalize changes to the regulation discussed above and submit the regulation to the APCB by December 31, 1982. This will allow Indiana to submit the revised State promulgated regulation to EPA by July 1, 1983.

1. EPA approves of revised APC 15 with the exceptions of Sections 3(a)(2), 3(f)(2), 3(q)(2), 3(e), 5(e), and 10, which EPA is conditionally approving.

For a discussion of conditional approval and its practical effect, see 44 FR 38583 (July 2, 1979) and 43 FR 67182 (November 23, 1979).

2. EPA replaces the current Federally enforceable SIP requirements for surface coating with Section 3 of revised APC-15. For all other existing VOC sources, the requirement of the current Federally approved SIP will remain a part of the SIP and Federally enforceable until compliance with the revised APC 15 requirements is achieved. Accordingly, EPA approves the December 31, 1982, compliance date provided in revised APC 15 only for those sources covered by Section 3 and those existing sources that were not previously regulated under the current Federally enforceable SIP.

Where there is a conflict between the requirements of revised APC 15 and the requirements of the current Federally approved SIP such that it would be impractical for a source to comply with the current Federally approved SIP while moving toward compliance with the revised regulation, then the State may grant an exemption. Any exemption granted, however, must be reviewed and acted upon by EPA either as part of the State adopted regulation or a future SIP revision. Furthermore, if there is any delay or lapse in the applicability or enforceability of revised APC 15, because of a court order or for any other reason, the current SIP will be applicable and Federally enforceable.

3. EPA removes the requirements of the current Federally approved SIP affecting VOC sources in attainment/unclassifiable areas as proposed. EPA bases this action on the State's revised APC 15 which eliminates control requirements on sources in these areas (except where Section 7 is applicable).

4. EPA is taking no action on the present "bubble" rule contained in Section 8(a)(2) of revised APC 15. On April 7, 1982, the APCB adopted a

generic bubble rule which will supersede the requirements in revised APC 15. Therefore, EPA will take rulemaking action on the generic rule when the State submits it as a SIP revision.

On February 11, 1982 (47 FR 6275), EPA approved the ozone attainment demonstrations for Clark, Floyd, Lake, Marion, and Porter Counties, but noted that the plans for these counties were still deficient in that EPA had not yet approved the Group I CTG RACT emission limitations for sources in these counties. EPA has conditionally approved these emission limitations today. Therefore, the overall ozone SIP revisions for these five counties are now conditionally approved, and the ozone new source growth limitations of Section 110(a)(2)(I) of the Act for Clark, Floyd, Lake, Marion and Porter Counties are removed.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date of publication. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: October 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

1. Section 52.770 is amended by adding paragraph (c)(33) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(33) On February 11, 1980, Indiana submitted APC 15. EPA is taking no action the "bubble" provisions contained in Section 8(a)(2) of revised APC 15.

* * * * *

2. Section 52.773 is amended by adding paragraph (f) as follows:

§ 52.773 Approval status.

* * * * *

(f) The Administrator finds that the ozone strategy for Clark, Floyd, Lake, Marion and Porter Counties satisfies all requirements of Part D, Title I of the Clean Air Act which were required to be federally approved by July 1, 1979.

* * * * *

3. Section 52.777 is amended by adding new paragraph (c) as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(c) Part D-Conditional approval—The Indiana part for Clark, Floyd, Lake, Marion and Porter Counties is provided the following conditions are satisfied: (1) The plan for strategy source volatile organic compound control must contain the following:

(i) For regulation APC 15, Section 5, petroleum, the State must conduct a study to demonstrate that the 20,000 per month throughput exemption meets RACT requirements and submit the results to EPA within 6 months of the effective date of final rulemaking on APC 15. If the demonstrated emissions resulting from the State's exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to EPA a rule which requires control of emission from storage tanks at gasoline dispensing facilities with either 10,000 gallons per month or more throughput or 2,000 gallons capacity.

(ii) The regulation APC 15, Sections 3(a)(2), (f)(2) and (g)(2), surface coating emission limitations, the transfer efficiency equations must be replaced with a statement addressing transfer efficiency improvement on a case by case basis and the new rules submitted to EPA as SIP revisions. These rules must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(iii) For regulation APC 15, Section 3(e), surface coating emission limitations, the State must revise the rule to meet the requirements of RACT and submit the new rule to EPA as a SIP revision. This rule must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(iv) For regulation APC 15, Section 10, test methods and procedures, the State must add EPA approved test methods and procedures and submit the new rule

to EPA as a SIP revision. This rule must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

[FR Doc. 82-20349 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP OF2399/R434A; PH FRL 2232-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cyano(3-Phenoxyphenyl)methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate; Technical Amendment.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment

SUMMARY: EPA issued a regulation pursuant to a pesticide petition submitted by Shell Oil Company that established tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on certain raw agricultural commodities which included the commodity "corn, field, grain". This amendment changes the commodity name "corn, field, grain" to "corn, grain".

EFFECTIVE DATE: Effective on May 19, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the *Federal Register* of May 19, 1982 (47 FR 21537) that established tolerances under 40 CFR 180.379 for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(methylethyl) benzeneacetate in or on certain raw agricultural commodities which included the commodity "corn, field, grain" at 0.02 part per million (ppm).

The petitioner, Shell Oil Company, Suite 200, 1025 Conn. Ave., NW., Washington, D.C. 20036, requested to amend the petition by substituting the

commodity "corn, grain" for "corn, field, grain" at the same tolerance level of 0.02 part per million (ppm). The amendment will permit inclusion of "pop corn" within the commodity designation "corn, grain" without increasing the tolerance level of 0.02 ppm.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: October 7, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

§ 180.379 [Amended]

40 CFR 180.379 is amended by deleting the commodity "corn, field, grain * * * 0.02" and inserting in its place "Corn, grain * * * 0.02".

[FR Doc. 82-28953 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program; Illinois, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Associate Director, State and Local Programs and Support, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed Special Flood Hazard Areas (SFHAs) for those communities is appropriate as a result of requests for changes in the interim and/or Proposed Rule.

DATE: These modified SFHAs are in effect as of the dates listed in the sixth column of the attached list and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESS: The modified SFHA determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency,

Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support has published a notification of the SFHAs in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Associate Director has received appeals from the communities requesting changes in the proposed SFHA determinations.

The numerous changes made in the SFHAs on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the SFHA changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified SFHA determinations are available for inspection.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These SFHAs are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The changes in the SFHAs listed below are in accordance with 44 CFR 65.4.

§ 65.4 List of communities with detailed engineering data (FIRM's).

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Illinois: Madison.....	Village of Pontoon Beach, (FEMA Docket No. 6272).	<i>Granite City Press Record</i> , Jan. 28, Feb. 4, 1982.	Paul Bennett, President, Village Board, Village of Pontoon Beach, 3910 Highway 111, Granite City, IL.	Feb. 5, 1982.....	170477B.
Indiana: Lake.....	City of Crown Point, (FEMA Docket No. 6272).	<i>Lake County Star</i> , Feb. 2, 11, 1982....	The Honorable Richard Collins, City of Crown Point, 101 North East St., Crown Point, IN 60008.	Feb. 12, 1982.....	180128C.
Montana: Butte-Silver Bow.....	Unincorporated, (FEMA Docket No. 6272).	<i>The Montana Standard</i> , Feb. 23, 24, 1982.	Hon. Don Peoples, Chief Executive, Butte-Silver Bow, Butte-Silver Bow Courthouse, Butte, MT 59701.	Feb. 23, 1982.....	300077D.
Oregon: Grant.....	City of John Day, (FEMA Docket No. 6272).	<i>The Blue Mountain Eagle</i> , Feb. 25, Mar. 4, 1982.	Hon. Ralph G. Hunter, Mayor, City of John Day, 240 South Canyon Blvd., John Day, OR 97845.	Feb. 23, 1982.....	410077C.
Oregon: Jackson.....	City of Medford, (FEMA Docket No. 6272).	<i>Medford Mail Tribune</i> , Feb. 23, 24, 1982.	Hon. Al Densmore, Mayor, City of Medford, 411 West Eighth St., Medford, OR 97501.	Feb. 23, 1982.....	410096C.
Vermont: Putland.....	Town of Brandon, (FEMA Docket No. 6272).	<i>Dateline Brandon</i> , Feb. 12, 19, 1982.	Ms. Patricia Scott, Town Manager, Town Office Building, Center St., Brandon, VT 05733.	Feb. 19, 1982.....	500090C.
Arizona: Cochise.....	City of Wilcox, (FEMA Docket No. 6308).	<i>Arizona Range News</i> , May 6, 13, 1982.	Hon. Betty Fewell, Mayor, City of Wilcox, 151 West Maley St., Wilcox, AZ 85643.	Dec. 28, 1982.....	040018C.
Colorado: Garfield.....	City of Rifle, (FEMA Docket No. 6300).	<i>The Rifle Telegram</i> , May 5, 12, 1982.	Hon. George Mitchell, Mayor, City of Rifle, P.O. Box 1908, Rifle, CO 81650.	Dec. 28, 1982.....	085078C.
Illinois: Cook.....	Village of Tinley Park, (FEMA Docket No. 6313).	<i>Star Herald</i> , May 13, 20, 1982.....	Edward J. Zabrocki, Village President, Village of Tinley Park, 17355 South 68th Ct., Tinley Park, IL 60477.	Dec. 31, 1982.....	170169C.
Illinois: Platt and Douglas.....	Village of Atwood, (FEMA Docket No. 6293).	<i>The Atwood Herald</i> , May 13, 20, 1982.	Horace Romine, Village President, Village of Atwood, 110 West Central, Atwood, IL 61913.	Dec. 31, 1982.....	170543B.
Minnesota: Washington.....	City of Hugo, (FEMA Docket No. 6315).	<i>Forest Lake Times</i> , May 13, 20, 1982.	Hon. Marvin LaValle, Mayor, 5524 Upper 146th Street North, Hugo, MN 55038.	Dec. 31, 1982.....	270504C.
Missouri: Jefferson.....	City of Crystal City, (FEMA Docket No. 6280).	<i>Jefferson County Democrat-Pilot</i> , April 26, May 3, 1982.	Hon. Terry Yesberg, Mayor, City of Crystal City, 450 Bailey Rd., Crystal City, MO 63019.	Dec. 28, 1982.....	290189C.
Wyoming: Laramie.....	Unincorporated area, (FEMA Docket No. 6303).	<i>The Wyoming State Tribune</i> , May 4, 11, 1982.	Mr. Dean Fogg, Chairman, Board of County Commissioners, Laramie County Courthouse, P.O. Box 608, Cheyenne, WY 82001.	Dec. 28, 1982.....	560029C.
California: Alameda.....	City of Newark, (FEMA Docket No. 6311).	<i>The Argus</i> , May 5, 12, 1982.....	Hon. David W. Smith, Mayor, City of Newark, 37101 Newark Blvd., Newark, CA 94560.	Jan. 3, 1983.....	060009C.
California: Contra Costa.....	City of San Pablo, (FEMA Docket No. 6292).	<i>The News</i> , May 12, 19, 1982.....	Hon. Kathryn Carmignani, Mayor, City of San Pablo, City Hall, One Alvarado Square, San Pablo, CA 94806.	Jan. 3, 1983.....	060036C.
California: Ventura.....	City of Thousand Oaks, (FEMA Docket No. 6309).	<i>News Chronicle</i> , May 7, 14, 1982.....	Hon. Alex Fiore, Mayor, City of Thousand Oaks, P.O. Box 1496, Thousand Oaks, CA 91360.	Jan. 3, 1983.....	060422B.
Colorado: Jefferson.....	City of Lakewood, (FEMA Docket No. 6317).	<i>Lakewood Sentinel</i> , May 13, 20, 1982.	Hon. William Reitter, Mayor, City of Lakewood, 44 Union Blvd., Lakewood, CO 80228.	Jan. 3, 1983.....	085075C.
Colorado: Jefferson.....	City of Wheat Ridge, (FEMA Docket No. 6301).	<i>The Wheat Ridge Sentinel</i> , May 13, 20, 1982.	Hon. Frank Stiles, Mayor, City of Wheat Ridge, P.O. Box 638, Wheat Ridge, CO 80033.	Jan. 3, 1983.....	085079B.
Illinois: Lake.....	Village of Long Grove, (FEMA Docket No. 6322).	<i>Vernon Town Crier</i> , May 27, June 3, 1982.	Mr. D. M. Doughty, Village Administrator, Village of Long Grove, Route 6, Box 193, Long Grove, IL 60047.	Jan. 14, 1983.....	170360C.
Kansas: Allen.....	City of Iola, (FEMA Docket No. 6302).	<i>The Iola Register</i> , May 13, 20, 1982....	Hon. John L. Carder, Mayor, City of Iola, 2 West Jackson Ave., Iola, KS 66749.	Jan. 3, 1983.....	200003C.
Maryland: Allegany.....	City of Westport, (FEMA Docket No. 6318).	<i>The Piedmont Herald</i> , June 1, 8, 1982.	Hon. James Wills, Mayor, City of Westport, P.O. Box 266, Westport, MD 21562.	Jan. 14, 1983.....	240007C.
Minnesota: Stearns and Benton.....	City of Sartell, (FEMA Docket No. 6314).	<i>The Saint Cloud Daily</i> , May 21, 28, 1982.	Hon. Robert Bogard, Mayor, City of Sartell, P.O. Box 140, Sartell, MN 56377.	Jan. 7, 1983.....	270460D.
Oregon: Clatsop.....	City of Gearhart, (FEMA Docket No. 6316).	<i>The Seaside Signal</i> , May 13, 20, 1982.	Hon. Leo Sayles, Mayor, City of Gearhart, P.O. Drawer "D", Gearhart, OR 97138.	Jan. 3, 1983.....	410030C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44

FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: September 16, 1982.

Lee M. Thomas,
Associate Director, State and Local Programs and Support.

[FR Doc. 82-29201 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6432]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood,

mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or November 26, 1982, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (200) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of

flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating

in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128)

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and

Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6716-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

1	2	3	4	5	6	7	8	9	10		11	12	13	14
									STATUS OF	PREVIOUS MAP DATES				
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	60.3 CODE	PROGRAM STATUS	FHBM	FIRM	FHBM	FIRM	REVISION CODE(S)	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
NY	361161	Wilmington, Town of (Essex County)	0010A 0015A 0020A	I	FL	B	1	3	1	1-17-75	N/A	10	N/A N/A	Don DeMacy, Supervisor Wilmington, NY 12997
AK	020124	City of Galena Yukon-Koyukuk Division	0001A 0002A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	EFFECTIVE DATE: October 12, 1982 Vernon A. White, Mayor Box 149 Galena, AK 99741
OR	410041	City of Vernonia Columbia County	0001B	I	FL	B	1	3	1	11-30-73 3-05-76	N/A	8 9 10	N/A	EFFECTIVE DATE: November 16, 1982 Henry Anderegg, Mayor 919 Bridge Street Vernonia, OR 97064
TX	480901	Lee County Unincorporated Areas)	0001A thru 0010A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	Joyce Hamff, County Clerk Rt. 1 Giddings, TX 78942 713-542-3178
CA	060702	City of Poway San Diego County	0001A 0002A 0003A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	EFFECTIVE DATE: November 30, 1982 Marjorie Wahlsten City Clerk Box 785 Poway, CA 92064
VT	500069	Bradford, Town of	0005A 0010A	I	FL	B	1	3	1	1-31-75	N/A	9 10	N/A	EFFECTIVE DATE: December 3, 1982 Susan Spaulding Town Administrator Town Office Bradford, Vermont 05033

EFFECTIVE DATE December 3, 1982

1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	60.3 CODE	PROGRAM STATUS	STATUS OF		PREVIOUS MAP DATES		FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM	REVISION CODE(S)	
NY	360208	Margaretville, Village Delaware County	0001B	I	FL	B	1	3	1	5-31-74 4-9-76	N/A	N/A	Orville Rosa, Mayor Main Street Margaretville, NY 12455
MS	280176	Vicksburg, City of. Warren Co.	0005B	I	FL	B	1	3	1	1-23-74 8-27-76	N/A	N/A	Demery F. Grubbs, P. O. Drawer 150 Vicksburg, MS 39180

EFFECTIVE DATE: December 10, 1982

COMMUNITY MAP ACTIONS		FIRM STATUS
(Codes: Where no entry is necessary use N/A)		
Column Code:		
1. Two letter state designator.		1=NEVER MAPPED 2=ORIGINAL 3=REVISED 4=RESCINDED 5=SUPERCEDED BY FIRM
2. FIA Community 6-digit identity number.		
3. Community name County(ies) name		1=NEVER MAPPED 2=ORIGINAL 3=REVISED 4=RESCINDED 5=ALL ZONE C-NO PUBLISHED FIRM 6=ALL ZONE A AND C-NO ELEVATIONS DETERMINED
4. Four digit number and suffix of each FIRM or FIRM panel printed.		
5. INL/COAST	I=INLAND C=COASTAL	
6. HAZARD	FL=FLOOD MS=MUDSLIDE ER=EROSION NF=NON FLOOD PRONE MF=MINIMALLY FLOOD PRONE	
7. 60.3 CODE	A=Special Hazard not defined, no elevation data (No FIRM) B=Special Hazard Designated, no elevation data (FIRM) C=FIRM, No Floodway or Coastal High Hazard *D=FIRM, Regulatory Floodway Designated *E=FIRM, Coastal High Hazard	
8. PROGRAM STATUS	1=EMERGENCY 2=REGULAR 3=NOT PARTICIPATING, NO MAP 4=NOT PARTICIPATING, WITH MAP 5=WITHDREW 6=SUSPENDED	
	*Dual entry is available.	
		11. DATES OF ALL PREVIOUS MAPS
		12. REVISION CODES
		1. 67 BFE (Base Flood Elevation) Decrease 2. 67 BFE Increase 3. 65 SFHA (Special Flood Hazard Area) Change 4. Change of Zone Designation; revised FIRM 5. Curvilinear 6. 64 Incorporation 7. 64 Disincorporation 8. 64 Annexation 9. SFHA Reduction 10. Non-67 SFHA Increase Without Numbered Zones 11. Non 67 SFHA Increase With Numbered Zones 12. Drafting Correction; Printing Errors 13. Suffix Change ONLY 14. Change to Uniform Zone Designations (7/1/74) 15. Revisions Withdrawn 16. Refunds Possible 17. Letter of Map Amendment (70) 18. Letter of Map Amendment (70 without Federal Register publication) 19. Federal Register Omission 20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes. 21. Miscellaneous
		13. List of Numbered Floodway Panels Printed
		14. Address of Community Map Repository

BILLING CODE 6718-03-C

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29202 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6436]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood

insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alaska: Southeast Fairbanks Division	Delta Junction, city of	020104B	Sept. 16, 1982, suspension withdrawn	Oct. 25, 1977.
Arkansas: Baxter	Mountain Home, city of	050351A	do	Feb. 14, 1975.
Colorado: Montrose	Olathe, town of	080128B	do	June 28, 1974, Dec. 19, 1975.
Connecticut: Tolland	Columbia, town of	090160B	do	Aug. 27, 1976, Nov. 8, 1974.
Delaware: Kent	Dover, city of	100006C	do	July 22, 1977, May 31, 1974, Jan. 2, 1976.
Florida:				
Brevard	Unincorporated areas	125092C	do	July 1, 1974, Aug. 6, 1976, Sept. 22, 1972.
Do	Cape Canaveral, city of	125094D	do	July 1, 1974, Aug. 15, 1974, May 20, 1977, Sept. 30, 1972.
Do	Cocoa Beach, city of	125097D	do	July 1, 1974, Dec. 26, 1975, May 20, 1977, June 16, 1972.
Dixie	Cross City, town of	120074B	do	Jan. 30, 1976, Sept. 13, 1974.
Volusia	Daytona Beach, city of	125099C	do	Sept. 7, 1973, July 1, 1974, May 27, 1977.
Do	Daytona Beach Shores, city of	125100C	do	May 27, 1977, Sept. 7, 1973.
Do	New Smyrna Beach, city of	125132C	do	Dec. 7, 1973, May 27, 1977.
Do	Ormond Beach, city of	125136C	do	Sept. 7, 1973, July 1, 1974, May 27, 1977.
Do	Ponce Inlet, town of	125312C	do	Aug. 9, 1974, Feb. 13, 1976, Oct. 8, 1976.
Illinois:				
McHenry and Lake	Island Lake, village of	170370B	do	Mar. 8, 1974, June 4, 1976.
Perry	Pinckneyville, city of	170540B	do	Mar. 22, 1974, Oct. 10, 1975, Nov. 9, 1979.
Indiana:				
Knox	Decker, town of	180322C	do	Feb. 1, 1974, June 11, 1976.
Dearborn	Greendale, town of	180040B	do	Jan. 16, 1974, Dec. 12, 1975.
Crawford	Marengo, town of	180033B	do	Feb. 1, 1974, Sept. 19, 1975.
Massachusetts: Worcester	Leominster, city of	250314B	do	Mar. 22, 1974, Oct. 17, 1975, Oct. 22, 1980.
Michigan: Kent	Grandville, city of	260271B	do	July 13, 1973, June 18, 1976.
Minnesota:				
Marshall	Oslo, city of	270272B	do	Aug. 19, 1974, Dec. 20, 1974.
Do	Stephen, city of	270273B	do	May 17, 1974, June 4, 1976.
Missouri: Lincoln	Silex, village of	290212B	do	Nov. 22, 1974, Dec. 5, 1975.
New Hampshire: Stratford	Rochester, city of	330150B	do	Nov. 8, 1977.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
New Jersey:				
Gloucester	Greenwich, township of	340204B	do	Jan. 23, 1974, Nov. 25, 1977
Ocean	Jackson, township of	340375A	do	Jan. 24, 1975.
New York:				
Genesee	Batavia, city of	360279B	do	Dec. 28, 1973, July 18, 1976.
Schoharie	Esperance, village of	361542B	do	Jan. 24, 1975, Jan. 30, 1976.
Oswego	Granby, town of	360650B	do	May 3, 1974.
Do	Scriba, town of	360663B	do	July 19, 1974, Aug. 6, 1976.
Texas: Wharton	Wharton, city of	480654C	do	June 11, 1974, July 19, 1977, July 3, 1979.
Virginia: Sussex	Story Creek, town of	510159C	do	Aug. 9, 1974, Apr. 30, 1976, Mar. 16, 1979.
New Mexico: Valencia	Belen, city of	350088B	do	June 7, 1974, Apr. 2, 1976.
Alaska: Sitka Division	Sitka, city and borough of	020006B	do	June 28, 1974, Sept. 12, 1975.
Michigan: Saginaw	Chesaning, village of	260591B	Sept. 20, 1982, Emergency; Sept. 20, 1982, Regular.	Mar. 11, 1977.
New York: Onondaga	Elbridge, town of	360575B	Apr. 8, 1974, Emergency; Aug. 16, 1982, Regular; Aug. 16, 1982, Suspended; Sept. 24, 1982, Reinstated.	May 31, 1974, May 28, 1976.
Texas: Hays	Unincorporated areas	480321A	Sept. 23, 1982, Emergency	Mar. 21, 1978.
Colorado: Mesa	Palisade, town of	080198	Sept. 27, 1982, Emergency	Aug. 13, 1976.
Michigan: Oakland	Rose, township of	260729 New	do	Do.
North Dakota: Richland	Greendale, township of	380660 New	do	Do.
Pennsylvania: Franklin	Quincy, township of	421655A	do	June 20, 1980, Dec. 27, 1974.
New Jersey: Warren	Franklin, township of	340563A	Aug. 6, 1975, Emergency; Aug. 2, 1982, Regular; Aug. 2, 1982, Suspended; Sept. 29, 1982, Reinstated.	Nov. 22, 1974.
Arizona: Pinal	Apache Junction, city of	040120B	Sept. 30, 1982; suspension withdrawn	June 10, 1980.
Arkansas: Johnson	Clarksburg, city of	050112B	do	Nov. 30, 1973, Aug. 6, 1976.
Alaska: Bristol Bay Division	Dillingham, city of	020041B	do	May 31, 1974, Dec. 12, 1975.
California:				
Humboldt	Blue Lake, city of	060438A	do	Jan. 17, 1975.
Orange	Costa Mesa, city of	060216C	do	July 2, 1976, June 27, 1978, May 17, 1974.
Do	Garden Grove, city of	060220B	do	May 7, 1976, June 14, 1974.
Contra Costa	Hercules, city of	060434	do	Mar. 28, 1976, Oct. 22, 1976.
Orange	Westminster, city of	060237D	do	Nov. 5, 1977, Aug. 8, 1978.
Colorado:				
Rio Grande	Del Norte, town of	080154B	do	June 4, 1976.
Chaffee	Salida, city of	080031B	do	May 3, 1974, Jan. 30, 1976.
Florida:				
Palm Beach	Delray Beach, city of	125102C	do	July 16, 1976, Mar. 9, 1979.
Do	Highland Beach, town of	125111C	do	Oct. 17, 1970, July 1, 1974, Jan. 9, 1976, Jan. 26, 1979.
Brevard	Indianapolis, town of	125115D	do	Aug. 18, 1972, July 1, 1974, May 7, 1976.
Do	Malabar, town of	120024C	do	Mar. 1, 1974, Dec. 19, 1975, Sept. 28, 1979.
Palm Beach	Tequesta, village of	120226C	do	June 11, 1971, July 1, 1974, Oct. 8, 1976, Jan. 5, 1979.
Indiana: Huntington	Warren, town of	180095B	do	Nov. 23, 1973, Apr. 30, 1976.
Minnesota:				
Roseau	Greenbush, city of	270413B	do	May 3, 1974, Aug. 6, 1976.
Marshall	Grygla, city of	270269A	do	Aug. 8, 1975.
Montana: Beaverhead	Unincorporated areas	300001A	do	Sept. 30, 1982.
New Jersey:				
Hudson	North Bergen, township of	340225C	do	June 28, 1974, Oct. 31, 1975, Aug. 13, 1976.
Somerset	South Bound Brook, borough of	340445A	do	Oct. 22, 1976.
New York:				
Orange	Cornwall, town of	360611B	do	Mar. 29, 1974, May 28, 1976.
Do	Crawford, town of	361250A	do	Nov. 15, 1974.
Ulster	Gardiner, town of	360856B	do	May 31, 1974, July 30, 1976.
Cayuga	Moravia, village of	360118B	do	May 3, 1974, July 2, 1976.
Ulster	New Paltz, town of	361544C	do	May 17, 1974, Jan. 2, 1976, Aug. 6, 1976.
North Dakota: Stutsman	Spiritwood Lake City, city of	380315B	do	Mar. 20, 1979.
Oregon: Washington	Unincorporated areas	410238B	do	Jan. 24, 1975, Sept. 13, 1977.
Virginia: Loudoun	Leesburg, town of	510019B	do	Aug. 30, 1974, Sept. 12, 1975.
Tennessee: Washington	Jonesboro, town of	470198B	do	Feb. 1, 1974, Oct. 22, 1976.
Texas: Randall	Canyon, city of	480533C	do	Apr. 30, 1976, Oct. 22, 1976.
Illinois: Scott	Naples, village of	70609B	Oct. 1, 1982, suspension withdrawn	Apr. 2, 1976, Jan. 9, 1974.
Minnesota: Winona	Stockton, city of	270532C	Oct. 2, 1982, suspension withdrawn	Aug. 23, 1974, Oct. 24, 1975, Sept. 22, 1978.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29204 Filed 10-28-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65**[Docket No. FEMA-6427]****Communities With Minimal Flood Hazard Areas; for the National Flood Insurance Program****AGENCY:** Federal Emergency Management Agency.**ACTION:** Final Rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the

special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community	Date of conversion to regular program
New York.....	Greene.....	Town of Athens.....	Sept 3, 1982.
Do.....	Steuben.....	Town of Greenwood.....	Do.
Do.....	do.....	Town of Howard.....	Do.
Do.....	Cattaraugus.....	Town of Randolph.....	Nov. 5, 1982.
Pennsylvania.....	Erie.....	Township of Concord.....	Do.
Do.....	Wayne.....	Township of Oregon.....	Do.
Do.....	Lawrence.....	Township of Union.....	Do.
Do.....	Berks.....	Township of Upper Bern.....	Do.
Louisiana.....	St. Landry.....	Village of Leonville.....	Nov. 9, 1982.
New York.....	Allegany.....	Town of Clarksville.....	Nov. 12, 1982.
Do.....	St. Lawrence.....	Town of Hopkinton.....	Do.
Pennsylvania.....	Chester.....	Township of New London.....	Do.
Do.....	Perry.....	Township of Spring.....	Do.
Oregon.....	Lake.....	City of Lakeview.....	Nov. 16, 1982.
Michigan.....	Alpena.....	City of Alpena.....	Nov. 19, 1982.
New Jersey.....	Cumberland.....	Township of Fairfield.....	Do.
Pennsylvania.....	Pike.....	Township of Palmyra.....	Do.
Do.....	Perry.....	Township of Tuscarora.....	Do.
Arkansas.....	Grant.....	Town of Poyen.....	Nov. 23, 1982.
Do.....	Desha.....	Town of Reed.....	Do.
California.....	Del Norte.....	City of Crescent City.....	Do.
Oklahoma.....	Okfuskee.....	Town of Weleetka.....	Do.
Texas.....	Van Zandt.....	City of Grand Saline.....	Do.
Do.....	do.....	City of Van.....	Do.
Illinois.....	Cook.....	City of Evanston.....	Nov. 26, 1982.
New Jersey.....	Monmouth.....	Borough of Farmingdale.....	Do.
Do.....	Cumberland.....	Township of Lawrence.....	Do.
Pennsylvania.....	do.....	Township of Upper Mifflin.....	Do.
Oklahoma.....	Pontotoc and Hughes.....	Town of Allen.....	Nov. 30, 1982.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support).

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29174 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65**[Docket No. FEMA 6440]****List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program****AGENCY:** Federal Emergency Management Agency.**ACTION:** Final Rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Director, Federal Emergency Management Agency, have been temporarily withdrawn for administrative or technical reason. During that period that the map is

withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood-prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

- (1) For acquisition and construction of buildings, and
- (2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Emergency Management Agency's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number. If the FEMA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the

Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.).

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities. As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. Accordingly, Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations is amended as follows:

PART 65—[AMENDED]

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's)*. The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149	44 FR 34120
40 FR 17015	44 FR 52835
40 FR 20798	44 FR 57094
40 FR 46102	45 FR 12421
40 FR 53579	45 FR 26051
40 FR 56672	45 FR 31318
41 FR 1478	45 FR 34120
41 FR 50990	45 FR 49570
41 FR 13352	45 FR 52385
41 FR 17726	46 FR 13695
42 FR 8895	46 FR 20176
42 FR 29433	46 FR 26776
42 FR 46226	46 FR 46810
42 FR 64076	47 FR 3121
43 FR 24019	47 FR 18869
44 FR 815	47 FR 28657
44 FR 6383	47 FR 41744
44 FR 18485	47 FR 47564
44 FR 25636	

(b) *Flood Insurance Rate Maps (FIRM's)*. The following is a cumulative list of withdrawals pursuant to the Part:

40 FR 17015	45 FR 49570
41 FR 1478	46 FR 20176
42 FR 49811	46 FR 46810
42 FR 64076	47 FR 3121
43 FR 24019	47 FR 18869
44 FR 25636	47 FR 41744
45 FR 12421	

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name and number	County	Hazard ID date	Rescission date	Reason
Illinois	Village of Piper City 170236(E)	Ford	Sept. 19, 1975	Oct. 25, 1982	2
Michigan	Township of Baraga—260352(E)	Baraga	May 26, 1978	do	2
Do	Township of Blaine—260027	Benzie	July 9, 1976	do	2
Do	Township of Breitung—260390	Dickinson	Mar. 11, 1977	do	2
Do	Township of Claybanks—260482	Oceana	Nov. 26, 1976	do	2
Do	Village of Elberta—260553	Benzie	Sept. 19, 1975	do	2
Do	Village of Ellsworth—260349	Antrim	Apr. 11, 1975	do	2
Do	Township of Exeter—260586	Monroe	July 30, 1976	do	2
Do	Village of Fife Lake—260406	Grand Traverse	do	do	2
Do	Township of Forsyth—260450	Marquette	Mar. 25, 1977	do	2
Do	Township of Holmes—260457	Menominee	Apr. 1, 1977	do	2
Do	City of Houghton—260588	Houghton	June 10, 1977	do	2
Do	Township of Ingallston—260660	Menominee	Sept. 28, 1979	do	2
Do	City of Ishpeming—260133	Marquette	Nov. 12, 1976	do	2
Do	Township of McMillan—260487	Ontonagon	Oct. 3, 1975	do	2
Do	Village of Powers—260406	Menominee	July 11, 1975	do	2
Do	Township of Torch Lake—260708	Houghton	Aug. 12, 1977	do	2
Do	Township of Watersmeet—260404	Gogebic	Mar. 18, 1977	do	2
Do	Township of Weesaw—260049	Bernier	Sept. 3, 1976	do	2
Do	Township of Wells—260388	Delta	June 10, 1977	do	2
Do	Township of Wright—260495	Ottawa	May 27, 1977	do	2
New York	Village of Savannah—361505	Wayne	Aug. 27, 1976	do	4

Key to Symbols:

E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.

R The community is participating in the Regular Program.

1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
3. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4. The community lacked land-use authority over the special flood hazard area.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&E Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10. Miscellaneous.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29175 Filed 10-26-82; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 65

[Docket No. FEMA-6441]

Communities with No Special Hazard Area for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program of (NFIP) without a map.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notices stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas

State	County	Community name	Date of conversion to regular program
Illinois	Ford	Village of Piper City	Oct. 25, 1982.
Michigan	Baraga	Township of Baraga	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.

Issued October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29176 Filed 10-26-82; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how

high to build in the flood plain and do not proscribe developments. Thus, this action only forms the basis for future

local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Orchard Park, town, Erie County (Docket No. FEMA-8262).	South Branch Smokes Creek	Downstream corporate limits.....	*646
				Approximate-ly 400' upstream of Milestrip Road
				*661
			Upstream of West Webster Road	*689
			Confluence of South Tributary to South Branch Smokes Creek	*720
			Upstream of California Road	*747
			Downstream of U.S. Route 219	*776
			Upstream of Duerr Road	*802
			Downstream of Jewett Holmwood Road	*861
			Downstream of Dennis Road	*904
		Tributary to South Branch Smokes Creek.	Upstream of Freeman Road	*918
			Approximately 2,000' upstream of Freeman Road	*940
			Approximately 3,800' upstream of Freeman Road	*965
			Approximately 100' upstream of State Route 240	*1,009
			Confluence with South Branch Smokes Creek	*704
			Downstream of California Road	*750
			Upstream of U.S. Route 219	*775
			Approximately 100' downstream of New Taylor Road	*779
			Confluence with South Branch Smokes Creek	*720
			Upstream of Access Road	*749
		South Tributary to South Branch Smokes Creek.	Upstream of of Spillway	*760
			Approximately 4,000' downstream of Armor Duells Corners Road	*790
			Upstream of Murphy Road	*832
			Upstream of U.S. Route 219	*851
			Downstream corporate limits	*660
			Approximately 220' upstream of Berg Road	*690
			Upstream of Lake Avenue	*725
			Confluence of Northeast Branch Smokes Creek	*740
			Downstream of Milestrip Road	*775
			Downstream of Baker Road	*812
		Northwest Branch Smokes Creek.....	Downstream of East Quaker Street	*840
			Upstream of Freeman Road	*877
			Upstream of Jewett Holmwood Road	*896
			Downstream of Chessie System	*941
			Approximately 1,400' upstream of Chessie System	*960
			Approximately 3,800' upstream of Chessie System	*1,000
			Approximately 700' upstream of Footbridge	*1,023
			Confluence with Northwest Branch Smokes Creek	*740
			Downstream of Access Road	*779
			Approximately 3,200' upstream of Baker Road	*821
		Northeast Branch Smokes Creek	Upstream of East Quaker Street	*859
			Upstream of Dam	*872
			Downstream of Transit Road	*892

maps available for inspection at the Town Engineering Department, Municipal Building Annex, 6524 East Quaker Road, Orchard Park, New York.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Waupun, Dodge, and Fond du Lac Counties (Docket No. FEMA-6254).	Harris Creek.....	Just upstream of Newton Avenue.....	*886
			Just downstream of Main Street.....	*889
		South Branch of the Rock River.....	About 0.3 mile downstream of Fond du Lac Street.....	*872
			Just upstream of River Road.....	*877
			Just upstream of North Brandon Street.....	*884
			About 1.0 mile upstream of Brandon Street.....	*886
Maps available for inspection at the Office of the Flood Plain Administrator, City Hall, 201 East Main Street, Waupun, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29177 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the

Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future constructions within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Lewis, township, Lycoming County (Docket No. FEMA-6243).	Lycoming Creek.....	Downstream Corporate Limits.....	*618
			Township Route 506 (upstream).....	*631
			Confluence of Daugherty Run.....	*641
			Confluence to Wolf Run.....	*658
			Confluence of Trout Run.....	*672
			Approximately 5,000' upstream of confluence of Trout Run.....	*684
			Abandoned Railroad Bridge (upstream) first crossing.....	*691
			Township Route 640 (upstream).....	*714
			Confluence of Grays Run.....	*717
			State Route 943 (Township Route 467) (downstream).....	*730
			Abandoned Railroad Bridge (upstream) fourth crossing.....	*740
			Legislative Route 41051 (upstream).....	*764
			Approximately 4,750' upstream Legislative Route 41051.....	*772
			Upstream Corporate Limits.....	*786
		Daugherty Run.....	Confluence with Lycoming Creek.....	*641
			Township Route 506 (downstream).....	*655
			Approximately 650' upstream Township Route 506 bridge ruins.....	*682
		Wolf Run.....	Confluence with Lycoming Creek.....	*658
			U.S. Route 15 (upstream).....	*679
		Trout Run.....	Approximately 950' upstream U.S. Route 15.....	*692
			Confluence with Lycoming Creek.....	*672
			Township Route 836 (upstream).....	*688
		Grays Run.....	U.S. Route 15 (upstream).....	*717
			Confluence with Lycoming Creek.....	*717
			State Route 14 (upstream).....	*723
		Shoemaker Run.....	Private Bridge (upstream).....	*752
			Confluence with Lycoming Creek.....	*737
			Township Route 856 (upstream).....	*740
			Approximately 1,830' upstream Township Route 856 Bridge.....	*814

Maps available for inspection at the residence of Ms. Grace Wettlaufer, Chairperson of the Lewis Planning Commission, Bodines, Pennsylvania.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29178 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6439]

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Notice of Final Determinations of base (100-year) flood elevations Heading previously published at 47 FR 34540 on August 10, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Final Determinations

Elevation Heading, previously published at 47 FR 34540 on August 10, 1982, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The Final Base (100-year) Flood Elevations Heading located in the fifth column incorrectly reads: "Elevation in meters". The Heading should read correctly as follows: "Depth in feet above ground. *Elevation in feet (NGVD)."

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 30, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29179 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect

in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster

Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not

have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Jacksonville, Calhoun County (FEMA-6154)	Tallasseeatchee Creek	Just downstream of Southern Railway	*624
			Just upstream of Southern Railway	*628
			Just upstream of Fomey Street	*644
			Just upstream of Alabama Highway 21	*670
		Tallasseeatchee Creek	Just upstream of Marbut Drive	*648
		Tributary 1	Just downstream of Alabama Highway 21	*670
			Just upstream of Alabama Highway 21	*673
			Just Upstream of Church Street	*677
		Tallasseeatchee Creek Tributary 2	Approximately 300 feet upstream of Church Street	*685
		Tallasseeatchee Creek	Just upstream of Church Street	*676
		Tributary 3	Just upstream of 8th Avenue	*721
			Just downstream of Macon Drive	*783
	Little Tallasseeatchee Creek	Approximately 300 feet upstream of Weaver Road	*645	
Maps available for inspection at Municipal Technical Advisor's Office and Mayor's Office, City Hall, 320 South Church St., Jacksonville, Alabama 36265.				
California	Clovis (City) Fresno County, FEMA-6299	Dry Creek	Intersection of Creek and Barstow Avenue	*347
		Pup Creek	Intersection of 9th Street and Dewitt Avenue	*352
Maps available for inspection at Department of Public Works, 1033 5th Street, Clovis, California.				
California	Fresno County (Unincorporated Areas) FEMA-6356	Alluvial Drain	100 feet upstream from center of Temperance Avenue	*391
		Bullard Avenue Drainage	100 feet upstream from center of Bethel Avenue	*399
		Central Canal	Intersection of Central Avenue and Cedar Avenue	*285
		Coalmine Canyon Creek	500 feet north along Monterey Avenue from its intersection with Cambridge Avenue	#1
		Dog Creek	Intersection of Highland Avenue and Bullard Avenue	*369
		Dry Creek	Intersection of Behymer Avenue and Sunnyside Avenue	*385
		Dry Creek Canal	200 feet upstream from center of California Avenue	*268
		Fancher Creek	Intersection of McKinley Avenue and Greenwood Avenue	#2
		Fancher Creek Canal	Intersection of Belmont Avenue and Temperance Avenue	#1

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fresno Canal.....	100 feet upstream from center of McCall Avenue.....	*359
		Greenwood Park Drainage.....	Intersection of Bethel Avenue and Almond Avenue.....	*356
		Herndon Canal.....	250 feet downstream from center of McKinley Avenue.....	*314
		Hog Creek.....	Approximately 3000 feet upstream from center of Friant Kern Canal.....	*468
		Hughes Creek.....	100 feet upstream from center of Pine Flat Road.....	*559
		Kings River.....	Intersection of river and Goodfellow Avenue.....	*329
		Kings River East Branch.....	Approximately 700 feet upstream from confluence with Kings River.....	*346
		Los Gatos Creek.....	Intersection of Tractor Avenue and Monterey Avenue.....	#2
		Mill Creek.....	Intersection of Live Oak Road and Chaparral Road.....	#1
		Mill Ditch.....	Intersection of Brentwood Avenue and Kenmore Drive.....	*312
		Orange Cove Drain.....	Intersection of South Avenue and Hill Avenue.....	*400
		Panoche Creek.....	Intersection of Barstow Avenue and San Diego Avenue.....	*165
		Pup Creek.....	Intersection of Bullard Avenue and Armstrong Avenue.....	*369
		Redbank Creek.....	Intersection of Shields Avenue and Leonard Avenue.....	*359
		Redbank Creek Tributary 1.....	Intersection of Bullard Avenue and creek.....	*408
		Redbank Creek Tributary 2.....	100 feet upstream from center of Herndon Avenue.....	*436
		Redbank Creek Tributary 3.....	100 feet upstream from center of Academy Avenue.....	*447
		Redbank Creek Tributary 4.....	Intersection of Herndon Avenue and Academy Avenue.....	*433
		Redbank Creek Tributary 5.....	Intersection of Sierra Avenue and Academy Avenue.....	*425
		San Joaquin River.....	300 feet upstream from center of Firebaugh-Madera Road.....	*143
		San Joaquin River B Branch.....	200 feet upstream from center of Nork Fork Road.....	*311
		Southern Pacific Railroad Drainage.....	Approximately 900 feet upstream from confluence with San Joaquin River.....	*280
		Tivy Valley Creek.....	Intersection of J Street and North Avenue (within Sanger corporate limits).....	*363
		Weldon Creek.....	Intersection of creek and Princeton Avenue.....	#3
Wooten Creek.....	100 feet upstream from center of Alcaider Road.....	*725		
Wooten Creek.....	Intersection of Piedra Road and Weldon Avenue.....	#1		
Wooten Creek.....	Intersection of Sumner Avenue and Hill Avenue.....	#1		
Maps available for inspection at Department of Resources and Development, 4499 E. Kings Canyon Road, Fresno, California.				
California.....	Fresno (City), Fresno County, FEMA-6299.....	Central Canal.....	200 feet upstream from center of South Chestnut Avenue.....	*298
		Dry Creek.....	Intersection of North Chestnut Avenue and East Sierra Avenue.....	#1
		Dry Creek Canal.....	Intersection of North Palm Avenue and East Franklin Avenue.....	*285
		Fancher Creek Canal.....	Intersection of Florence Avenue and South Drinda Avenue.....	*285
		Herndon Canal.....	Intersection of West Shields Avenue and North College Avenue.....	*306
		Mill Ditch.....	Intersection of East McKinley Avenue and North Peach Avenue.....	#1
		San Joaquin River.....	100 feet downstream from center of North Blackstone Avenue (State Highway 41).....	*268
Maps available for inspection at Department of Inspection, 2326 Fresno Street, Fresno, California.				
Colorado.....	Paonia (Town), Delta County, FEMA-6356.....	Minnesota Creek.....	75 feet upstream from center of Minnesota Avenue.....	*5700
		North Fork Gunnison River.....	50 feet upstream from center of P Road.....	*5621
Maps available for inspection at Town Hall, 226 Grand Avenue, Paonia, Colorado.				
Connecticut.....	East Haven, Town, New Haven County, (Docket No. FEMA-6356).	Long Island Sound.....	Entire shoreline within community.....	*15
Maps available for inspection at the Town Engineer's Office, 250 Main Street, East Haven, Connecticut.				
Florida.....	Largo (City), Pinellas County, FEMA-6333.....	Gulf of Mexico.....	Downstream (south) side of 8th Avenue at its crossing over McKay Creek.....	*10
		Boca Ciega Bay.....	Intersection of Indian Rocks Road and Anglers Lane.....	*10
		Tampa Bay.....	Intersection of Pleasant View Drive and Circle Drive.....	*11
			Intersection of Egret Drive and Sandpiper Drive.....	*10
Maps available for inspection at Engineering Department, 214 Cleveland Avenue, Largo, Florida.				
Illinois.....	(V) London Mills, Fulton County, (Docket No. FEMA-6356).	Spoon River.....	About 1100 feet downstream of State Route 116.....	*532
		Tributary to Swegle Creek.....	About 1850 feet upstream of 2nd Street.....	*538
			Just upstream of State Route 116.....	*533

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At upstream corporate limits (about 1240 feet upstream of county boundary).	*539
Maps available for inspection at the Village Hall, P.O. Box 113, London Mills, Illinois.				
Iowa	(C) West Branch, Cedar County, (Docket No. FEMA-6262).	West Branch Wapsinoc Creek	About 2100 feet downstream of Sewage Treatment Plant Road.	*707
			Just upstream of Main Street	*713
			About 0.8 mile upstream of College Street	*724
		Tributary A	Just downstream of Parkside Drive	*713
			About 220 feet upstream of Downey Street footbridge	*716
Maps available for inspection at the City Office, Box 218, West Branch, Iowa.				
Kansas	(C) McPherson, McPherson County, (Docket No. FEMA-6286).	Dry Turkey Creek	Just upstream of State Route 61	*1473
			About 650 feet upstream of confluence with Bull Creek.	*1476
			Just upstream of East Avenue A	*1480
			Just upstream of East Kansas Avenue	*1484
			Just upstream of Atchison, Topeka, and Santa Fe Railway.	*1486
			About 1200 feet upstream of North Maxwell Street	*1487
			Just downstream of County Road A	*1494
		East Branch Dry Turkey Creek	At confluence with Dry Turkey Creek	*1475
			About 650 feet downstream of South Frontage Street	*1487
			Just upstream of East Kansas Avenue	*1490
			Just upstream of East First Street	*1493
			Just downstream of Atchison, Topeka, and Santa Fe Railway.	*1494
		Dry Turkey Creek Tributary No. 3	Just downstream of Hulse Street	*1486
			Just upstream of Briarwood Lane	*1490
		Bull Creek	At confluence with Dry Turkey Creek	*1476
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*1478
			Just upstream of South Main Street	*1483
			Just upstream of West Kansas Avenue	*1487
			Just downstream of County Road A	*1494
		Bull Creek Tributary No. 2	At confluence with Bull Creek	*1484
			Just upstream of Atchison, Topeka, and Santa Fe Railway.	*1488
			Just downstream of West First Street	*1492
Maps available for inspection at the City Hall, 400 East Kansas, McPherson, Kansas.				
Louisiana	Town of Madisonville, St. Tammany Parish (FEMA-6356).	Lake Pontchartrain	Intersection of Drainage Canal and State Highway 1077.	*17
			Intersection of Main Street and Jahncke Street	*11
			Intersection of Ponchatoula Avenue and 8th Street	*11
Maps available for inspection at Town Hall, P.O. Box K, Madisonville, Louisiana 70447.				
Maryland	Baltimore, City of (Indep. City) (FEMA-6299)	Patapsco River	Southeast of Route 695	*12
		Northwest of Route 695		
		*10	East of Baltimore and Ohio Railroad in the vicinity of Wagners Point.	*9
			At Harbor Tunnel	*10
			Northeast of Hanover Street	*10
			At Hanover Street	*8
			At Patapsco Avenue	*8
		Curtis Bay	Northeast of Ferry Point	*10
			Southwest of Ferry Point	*8
		Colgate Creek	At confluence with Patapsco River	*8
			At Conrail Railroad	*8
		Northwest Harbor	At confluence with Patapsco River	*10
			Southeast of Locust Point	*10
			Northwest of Locust Point	*8
		Middle Branch Patapsco River	At Hanover Street Bridge	*10
			At Western Maryland Railroad	*8
Maps are available for inspection at the Planning Department, 222 East Saratoga Street, Baltimore, Maryland.				
New Jersey	East Windsor, Township, Mercer County, (Docket No. FEMA-6356).	Millstone River	Downstream corporate limits	*72
			Upstream Old Cranbury Road (Old York Road)	*81
			Upstream New Jersey Turnpike	*91
			Upstream corporate limits	*98
		Rocky Brook	At confluence with Millstone River	*78
			Upstream of Ward Street	*90
			Upstream of ETRA Lake Dam	*99
			Upstream of Disbrow Hill Road	*108
		Bear Creek	Downstream corporate limits	*88
			At upstream corporate limits	*94
		Big Bear Brook	Downstream corporate limits	*83
			At Dutch Neck Road	*92
			Upstream of Oak Creek Drive	*97
			Upstream of U.S. Route 130	*108
Maps available for inspection at the Office of the Township Clerk, Municipal Building, Ward Street, East Windsor, New Jersey.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Bath, Village, Steuben County, (Docket No. FEMA-6356).	Cohocton River	Downstream corporate limits..... Upstream Cameron Street (County Route 10)..... Upstream corporate limits.....	*1,095 *1,102 *1,115
Maps available for inspection at the Office of the Village Clerk, Municipal Building, 110 Liberty Street, Bath, New York.				
New York	Dolgeville, Village, Herkimer and Fulton Counties, (Docket No. FEMA-6356).	East Canada Creek	Downstream corporate limits..... Upstream High Falls Dam..... Upstream D. Green Company Dam..... Upstream State Route 29..... Approximately 3,700' upstream of State Route 29..... Confluence with East Canada Creek..... Upstream South Helmer Avenue..... Downstream Abandoned Railroad..... Upstream corporate limits.....	*709 *744 *791 *795 *822 *750 *804 *831 *850
Maps available for inspection at the Village Hall, 41 North Main Street, Dolgeville, New York.				
New York	East Hampton, Town, Suffolk County, (Docket No. FEMA-6356).	Atlantic Ocean	From western corporate limits to Montauk Point.....	*14
		Gardiners Bay and Block Island Sound.	From Montauk Point to a point 1,780 feet west of Montauk Point. From a point 1,780 feet west of Montauk Point to False Point. From False Point to Lake Montauk..... Lake Montauk, entire shoreline..... From Lake Montauk to Napeague Harbor..... Napeague Harbor, entire shoreline..... From Napeague Harbor to Acabonack Harbor..... Acabonack Harbor, entire shoreline..... From Acabonack Harbor to Three Mile Harbor..... Three Mile Harbor, entire shoreline..... From Three Mile Harbor to western corporate limits including entire shoreline of Northwest Harbor and Sag Harbor Bay. Gardiners Island, south from Cherry Hill Point to a point 2,200 feet north of confluence with Great Pond. Gardiners Island, from a point 2,200 feet north of confluence with Great Pond north along shoreline to Cherry Hill Point.	*13 *12 *11 *10 *11 *10 *11 *9 *11 *10 *11 *10 *11
Maps available for inspection at the Office of the Town Clerk, Town Hall, 159 Pantigo Road, East Hampton, New York.				
New York	Lyons, Village, Wayne County, (Docket No. FEMA-6356).	New York State Barge Canal	At downstream corporate limits..... Upstream of State Route 14..... At upstream corporate limits.....	*396 *398 *400
		Ganargua Creek	Confluence with New York State Barge Canal..... At upstream corporate limits.....	*399 *403
Maps available for inspection at the Village Office, 76 William Street, Lyons, New York.				
New York	Niagara Falls, City, Niagara County, (Docket No. FEMA-6356).	Gill Creek	Corporate limits upstream..... Porter Road upstream..... Robbin Drive upstream..... Niagara Street upstream..... Confluence with Niagara River.....	*585 *578 *576 *571 *562
		Niagara River	Corporate limits upstream..... Approximately 4,500 feet downstream of upstream confluence of Little Niagara River.	*569 *568
		Cayuga Creek	Upstream corporate limits..... Approximately 700' upstream Lindbergh Avenue..... Confluence with Little Niagara River.....	*571 *570 *569
		Bergholtz Creek	Upstream corporate limits..... 91st Street upstream..... Confluence with Cayuga Creek.....	*573 *572 *571
Maps available for inspection at the City Hall, 745 Main Street, Niagara Falls, New York.				
New York	Ossining, Town, Westchester County, (Docket No. FEMA-6356).	Croton River	Upstream of U.S. Route 9..... Approximately 4,560' upstream of U.S. Route 9.....	*8 *9
		Hudson River	Entire shoreline within community.....	*8
Maps available for inspection at the Office of the Town Engineer, Municipal Building, 16 Croton Avenue, Ossining, New York.				
New York	Oyster Bay, Town, Nassau County, (Docket No. FEMA-6356).	Oyster Bay Harbor	Shoreline within community.....	*15
		Mill Neck Creek	Shoreline within community.....	*12
		Beaver Lake	Shoreline within community.....	*14
		Long Island Sound	Shoreline within community.....	*17
		Hempstead Harbor	Shoreline within community.....	*14
		Atlantic Ocean	Shoreline within community..... Shoreline of Great South Bay within community.....	*14 *9
Maps available for inspection at the Town Hall Complex, West Building, Audrey Avenue, Oyster Bay, New York.				
New York	Village of Shoreham, Suffolk County (FEMA-6333)	Long Island Sound	Along the northernmost corporate limits between the western and eastern corporate limits.	*16
Maps are available for inspection at the Office of the Village Clerk, Overhill Road, Shoreham, New York.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	St. Johnsville, Town, Montgomery County (Docket No. FEMA-6286).	Mohawk River	Downstream corporate limits Upstream corporate limits	*311 *321
Maps available for inspection at the Office of the Town Clerk, 108 West Main Street, St. Johnsville, New York.				
New York	Walworth, Town, Wayne County (Docket No. FEMA-6356).	Black Creek	Downstream corporate limits Corporate limits 2nd crossing Corporate limits 3rd crossing Upstream Wiedrick Road Upstream Lincoln Road Downstream Penfield Road	*456 *461 *472 *480 *487 *493
		Tributary No. 1	Downstream corporate limits Upstream Walworth-Marion Road Upstream Walworth-Ontario Road	*460 *467 *477
		Tributary No. 2	Confluence with Black Creek Upstream Walworth-Ontario Road Upstream Walworth-Penfield Road	*457 *462 *465
		Tributary No. 3	Confluence with Black Creek Approximately 1,400' downstream Walworth-Penfield Road	*477 *484
		Tributary No. 4	Upstream Walworth-Penfield Road Confluence with Black Creek Upstream Canandaigua Road	*494 *480 *491
		Tributary No. 5	Upstream Walworth-Penfield Road Confluence with Black Creek Approximately 350' downstream West Road Upstream West Road	*493 *487 *491 *496
Maps available for inspection at the Town Hall, 2248 Marion Road, Walworth, New York.				
New York	Waverly, Village, Tioga County (Docket No. FEMA-6356).	Cayuta Creek	State Route 17 (downstream) Ithaca Street (upstream) Upstream corporate limits	*800 *813 *818
		Dry Brook	Downstream corporate limits Chemung Street (upstream) Pine Street (upstream) Clinton Street	*837 *860 *884 *908
		Chemung River	Approximately 800' upstream from Moore Street Approximately 2,000' upstream from Moore Street State Route 17 (downstream) Upstream corporate limits (extended)	*945 *981 *778 *781
Maps available for inspection at the Village Hall, 362 Broad Street, Waverly, New York.				
Ohio	(Uninc.) Lucas County (Docket No. FEMA-6333)	Blue Creek	At confluence with Swan Creek Just upstream of Waterville-Swanton Road Just upstream of Schadel Road Just upstream of Neapolis-Waterville Road	*641 *643 *647 *650
		Berger Ditch	About 2300 feet upstream of Neapolis-Waterville Road About 600 feet downstream of Cedar Point Road	*651 *578
		Blystone Ditch	Just downstream of upstream corporate limits (about 5200 feet upstream of Cedar Point Road) Just downstream of Monclova Road Just upstream of the Norfolk and Western Railroad (about 800 feet upstream of Monclova Road)	*582 *620 *626
		Cairl Ditch	Just downstream of Norfolk and Western Railroad (upstream of Black Road) Just downstream of Perrysburg-Holland Road Just upstream of Pilliod Road	*632 *610 *617
		Cedar Creek	Just upstream of Holloway Road About 450 feet upstream of Albon Road Just downstream of Interstates 90 and 80 Just downstream of Lyon Road	*622 *633 *639 *578
		Drennon Ditch	About 500 feet upstream of Decant Road About 100 feet downstream of Cousine Road About 4600 feet upstream of Cousine Road Just upstream of the Village of Holland corporate limits (about 2000 feet downstream of Angola Road)	*582 *586 *588 *629
		Eisenbraun Ditch	About 1000 feet downstream of Angola Road About 920 feet downstream of Angola Road Just downstream of dam Just upstream of dam	*632 *638 *638 *644
		Everett Ditch	About 50 feet upstream of Angola Road About 3100 feet upstream of King Road About 3300 feet upstream of King Road Just downstream of Centennial Road	*647 *652 *656 *661
		Good Ditch	About 400 feet upstream of Woods Avenue About 700 feet upstream of Woods Avenue At the confluence with Wolf Creek At the confluence of Kujawski Ditch	*646 *647 *635 *639
		Heldman Ditch	Just upstream of Holland-Sylvania Road Just upstream of Interstate 475 About 50 feet upstream of McCord Road Just upstream of King Road About 50 feet downstream of the Interstate 475 culvert outlet About 700 feet upstream of Hill Avenue	*626 *629 *636 *656 *634 *637

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 100 feet downstream of McCord Road.....	*642
			About 300 feet upstream of Nebraska Avenue.....	*646
			Just downstream of Dorr Street.....	*654
		Hill Ditch.....	About 350 feet downstream of the Interstate 475 culvert outlet.....	*635
			Just upstream of Wilford Road.....	*640
			Just upstream of the McCord Road culvert inlet.....	*648
			About 2400 feet upstream of the McCord Road culvert inlet.....	*649
		Keener Ditch.....	About 1550 feet upstream of the confluence with Swan Creek.....	*615
			Just upstream of weir.....	*619
			About 2570 feet upstream of the confluence with Swan Creek.....	*625
		Kujawski Ditch.....	At the confluence with Everett Ditch.....	*639
			Just upstream of the Crissey Road culvert inlet.....	*644
			About 1750 feet upstream of the Crissey Road culvert inlet.....	*647
		Maumee River.....	About 700 feet upstream of the Conrail bridge.....	*664
			Just upstream of Interstate 475.....	*593
			About 3.5 miles upstream of Abandoned Highway bridge.....	*624
		Ottawa River.....	At upstream county boundary.....	*646
			About 300 feet upstream of Interstate 475.....	*609
			About 4600 feet upstream of Sturbridge Road.....	*613
		Peter May Ditch.....	Just upstream of Derbyshire Road.....	*635
			About 550 feet upstream of McCord Road.....	*640
			About 400 feet upstream of Perrine Road.....	*654
			Just downstream of King Road.....	*659
		Sautter Ditch.....	About 2400 feet downstream of Corduroy Road.....	*578
			About 3600 feet upstream of Jerusalem Road.....	*593
		Shantee Creek (West).....	About 1500 feet downstream of Omar Avenue.....	*584
			Just downstream of the Chessie System and Ann Arbor Railroad.....	*586
		Silver Creek.....	About 1750 feet downstream of Stickney Avenue.....	*583
			Just downstream of Stickney Avenue.....	*584
		Smith Ditch.....	At confluence with Hill Ditch.....	*640
			About 2650 feet upstream of McCord Road.....	*653
		Stone Ditch.....	About 350 feet downstream of the Ohio Turnpike culvert outlet.....	*628
			About 800 feet upstream of the Ohio Turnpike culvert inlet.....	*632
			Just downstream of Salisbury Road.....	*639
		Swan Creek.....	Just upstream of Salisbury Road.....	*614
			Just downstream of Whitehouse-Spencer Road.....	*647
		Tenmile Creek.....	About 1000 feet downstream of Brint Road (at City of Sylvania corporate limits).....	*656
			Just downstream of Centennial Road.....	*665
			Just downstream of Sylvania-Metaniova Road.....	*686
		Thomas Ditch.....	Confluence with Wood Ditch.....	*647
			About 740 feet upstream of the confluence with Wood Ditch.....	*648
			About 1780 feet upstream of the confluence with Wood Ditch.....	*651
		Tift Ditch.....	About 650 feet upstream of Peartree Lane.....	*633
		Wood Ditch.....	At confluence with Kujawski Ditch.....	*644
			Just upstream of Conrail.....	*646
			About 1050 feet upstream of Geiser Road.....	*650
		Wolf Creek.....	Just upstream of Holland-Sylvania Road.....	*606
			About 1000 feet upstream of Perrysburg-Holland Road.....	*615
			About 350 feet downstream of Roycroft Drive.....	*625
			About 4400 feet upstream of Albion Road (at confluence of Everett Ditch).....	*635
		Shallow Flooding (Overflow from Eisenbraun Ditch).....	About 1000 feet north of intersection of Gilhouse Road and Talmadge Road.....	#1
		Lake Erie.....	Shoreline.....	*578
		Maumee Bay.....	Shoreline (east of City of Oregon).....	*578
			Shoreline (west of City of Oregon).....	*579

Maps available for inspection at the Lucas County Building Regulations Department, 437 Michigan Street, Toledo, Ohio.

Pennsylvania.....	Warrington, Township, York County (Docket No. FEMA-6262).	Conewago Creek.....	2.63 miles downstream of Harmony Grove Road.....	*361
			Upstream of Harmony Grove Road.....	*371
			Upstream corporate limits.....	*372
		Conewago Creek Tributary.....	Confluence with Conewago Creek.....	*369
			Upstream of Detters Mill Road.....	*375
			Upstream of New York Road.....	*388

Maps available for inspection at the Warrington Township Building, Rossville, Pennsylvania.

Pennsylvania.....	West Manheim, Township, York County (Docket No. FEMA-6262).	West Branch Codorus Creek.....	Confluence with Lake Marburg.....	*623
			Upstream of Black Rock Road.....	*634
			Upstream of Private Road.....	*647
			Upstream of Fuhrman Mill Road.....	*663
			Upstream of Private Road.....	*676
			Approximately 500 feet upstream of Private Road.....	*680

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 600 feet downstream of Musselman Road.	*698
		South Branch Conewago Creek.....	Approximately 200 feet upstream of Musselman Road.....	*706
			At downstream corporate limits.....	*593
			Upstream of Westminster Avenue.....	*604
			Upstream of Beck Mill Road.....	*615
			Upstream of Sunset Drive.....	*626
			Upstream of Shorbs Hill Road.....	*644
			Downstream of Lawrence Drive.....	*664
			Upstream of Lawrence Drive.....	*667
		Furance Creek.....	Upstream of Park Entrance.....	*677
			At confluence with Lake Marburg.....	*623
			Upstream of Private Road.....	*635
			Upstream of Farm Road.....	*637
			Upstream of Pumping Station Road.....	*649
			Downstream of Fuhrman Mill Road.....	*708
			Approximately 150 feet upstream of Fuhrman Mill Road.	*711
Maps available for inspection at the Township Building, West Manheim, Pennsylvania.				
South Carolina.....	Town of North Myrtle Beach, Horry County (FEMA-6356).	Atlantic Ocean.....	Intersection of 55th Avenue North and Nixon Street.....	*15
			Intersection of 27th Avenue North and Nixon Street.....	*15
			Intersection of Main Street and Ocean Boulevard.....	*14
			Intersection of 21st Avenue South and Ocean Boulevard South.	*14
			Intersection of 46th Avenue South and ocean Boulevard.	*14
Maps available for inspection at Town Hall, 1801 Highway 17 South, North Myrtle Beach, South Carolina 29582.				
Tennessee.....	Town of Smyrna, Rutherford County (FEMA-6262).....	Stewart Creek.....	Just downstream of Louisville and Nashville Railroad (Abandoned).	*513
			Just upstream of Enon Spring Road.....	*523
			Just downstream of U.S. Highways 41 and 705.....	*524
		Harts Branch.....	Approximately 200 feet upstream of Maple View Street.....	*519
			Just upstream of U.S. Highways 41 and 705.....	*525
		Rock Spring Branch.....	Just downstream of Old Nashville Pike.....	*544
		Finch Branch.....	Just downstream of Jones Mill Road.....	*513
			Approximately 100 feet upstream of Jones Mill Road.....	*514
Maps available for inspection at Town Hall, 311 Lowry Street, Smyrna, Tennessee 37167.				
Texas.....	City of Dallas, Dallas, Denton, Collin, Rockwall and Kaufman Counties (FEMA-6356).	Trinity River.....	Just downstream of I-635.....	*397
				*407
		Just downstream of Central Expressway.		
			Just upstream of Houston Street.....	*414
			Just downstream of Texas Pacific Railroad.....	*415
			Just upstream of Hampton Road.....	*420
		West Fork of Trinity River.....	Just upstream of confluence with Trinity River.....	*423
			Just downstream of corporate limits.....	*424
		Elm Fork of Trinity River.....	Just upstream of Empire Freeway.....	*424
			Just upstream of State Highway 348.....	*427
			Just downstream of Royal Lane.....	*429
			Just upstream of Valley View Lane.....	*434
		Hickory Creek.....	Just upstream of Edd Road.....	*415
			Just upstream of Ravenview Road.....	*435
		Stream 4C3.....	Just downstream of Kleberg Road.....	*404
		Stream 4C6.....	Just upstream of Woody Road.....	*441
			Just about one hundred and fifty feet from the corporate limits.	*452
		Stream 4C1.....	Just about three hundred and thirty five feet from the corporate limits.	*393
		Prairie Creek.....	Just upstream of Fireside Drive.....	*412
			Just upstream of Elam Road.....	*437
			Just downstream of Bruton Road.....	*472
			Just downstream of Prairie Creek Road.....	*480
			Just downstream of Military Parkway.....	*505
			Just upstream of Southern Pacific Railroad.....	*529
		Hatfield Branch.....	Just upstream of Fireside Drive.....	*418
			Just downstream of St. Augustine Drive.....	*452
			Just downstream of Lake June Road.....	*493
		Rylie Branch.....	Just upstream of St. Augustine Road.....	*420
			Just upstream of Seagoville Road.....	*452
			Just downstream of Acres Drive.....	*464
		Pleasant Branch.....	Just upstream of Prairie Road.....	*472
			Just downstream of Bruton Road.....	*477
		Lake June.....	Just upstream of Branch Lake June Road.....	*465
			Just upstream of St. Augustine Road.....	*469
		Estes Branch.....	Just upstream of Bluff Creek Drive.....	*483
		Cypress Branch.....	Just downstream of Jennie Lee Lane.....	*481
		Town East Branch.....	Approximately 800 feet upstream of the confluence with Prairie Creek.	*510
		Elam Creek.....	Just downstream of Gaylen Drive.....	*399
			Just downstream of Elam Road.....	*426
			Just downstream of Southern Railway.....	*441

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Lake June Road.....	*465
			Just downstream of Tillman Street.....	*484
		Stream 485.....	Just upstream of East Bound Loop 12.....	*417
		Fivemile Creek.....	Just upstream of Simpson Stuart Road.....	*409
			Just upstream of Bonnie View Road.....	*429
			Just upstream of Lancaster Road.....	*447
			Just downstream of Marshalls Avenue.....	*470
			Just downstream of Interstate Highway 35.....	*481
			Just downstream of Polk Street.....	*502
			Just downstream of Rugged Drive.....	*518
			Just downstream of West Kiest Boulevard.....	*529
			Just downstream of Spring Valley Lane.....	*556
			Just upstream of Coombs Creek Drive.....	*566
			Just upstream of Ledbetter Bridge.....	*580
			Just upstream of West Kiest Boulevard.....	*595
			Just downstream of Ledbetter Drive.....	*653
		Newton Creek.....	Just downstream of Highway 45.....	*404
			Just downstream of Bonnie View Road.....	*453
		Wilson Branch.....	Just upstream of J.J. Lemon Road.....	*425
			Just downstream of Tioga Street.....	*440
		Memory Branch.....	Just upstream of confluence with Wilson Branch.....	*448
		Whites Creek.....	Just downstream of Langdon Drive.....	*441
			Just downstream of Cleveland Road.....	*470
		Moreland Branch.....	Just downstream of Cleveland Road.....	*472
		Shepard Branch.....	Just downstream of Langdon Drive.....	*467
			Just downstream of Cleveland Road.....	*492
		Santa Rosa Branch.....	Approximately 800 feet upstream of confluence with Floyd Branch.....	*472
		Stream 5A1.....	Just upstream of Barnabus Drive.....	*477
		Alta Mesa Branch.....	Just upstream of Persimmon Road.....	*441
			Just downstream of Simpson Stuart Road.....	*479
		Ricketts Branch.....	Approximately 200 feet upstream of Houston School Road.....	*489
			Just upstream of Wheatland Road.....	*598
		Runyon Springs Branch.....	Just downstream of Crouch Road.....	*463
			Approximately 350 feet upstream of the confluence of Barney Branch.....	*499
		Barney Branch.....	Just downstream of Wheatland Road.....	*525
		Parrish Branch.....	Just upstream of Wheatland Road.....	*593
		Herring Branch.....	Just downstream of Greenspan Avenue.....	*579
			Just downstream of Cleardale Drive.....	*592
		Lisbon Branch.....	Just upstream of Ledbetter Drive.....	*455
			Just upstream of Adelaide Drive.....	*467
		Alice Branch.....	Just downstream of Ann Arbor Avenue.....	*477
		Red Bird Branch.....	Just upstream of Lake Placid Road.....	*591
			Just upstream of Reynoldston Road.....	*568
		South Prong of Fivemile Creek.....	Just downstream of Hampton Road.....	*562
			Just downstream of Boulder Drive.....	*599
			Just downstream of Westmoreland Road.....	*622
			Just downstream of Camp Wisdom Road.....	*682
		Brooklawn Branch.....	Just upstream of Chaucer Place.....	*605
			Just downstream of Camp Wisdom Road.....	*593
		Boulder Branch.....	Just downstream of Camp Wisdom Road.....	*619
		Ranchita Branch.....	Just downstream of Cockrell Hill Road.....	*668
		Corral Branch.....	Just upstream of Cockrell Hill Road.....	*658
		Adams Branch.....	Just upstream of confluence with Fivemile Creek.....	*498
		Red Bud Branch.....	Just downstream of West Kiest Boulevard.....	*541
			Just downstream of Nokomis Avenue.....	*529
		Crow Creek.....	Just upstream of Hampton Road.....	*538
			Just downstream of Westmoreland Avenue.....	*591
			Just downstream of Ledbetter Drive.....	*632
		Old Hickory Branch.....	Just downstream of Ledbetter Drive.....	*567
			Just downstream of Boulder Drive.....	*595
		Hardin Branch.....	Just downstream of Kiest Boulevard.....	*565
			Just downstream of Kiest Crest Drive.....	*593
		Stream 5A3.....	Just downstream of Atchison Topeka and Santa Fe Railroad.....	*596
			Just downstream of Coombs Creek Drive.....	*600
		Ledbetter Branch.....	Just upstream of Duncenville Road.....	*639
			Just downstream of Cockrell Hill Road.....	*588
		Kenwood Branch.....	Just upstream of Wisteria Drive.....	*633
			Just upstream of La Rue Street.....	*638
		Honey Springs Branch.....	Just upstream of Central Expressway.....	*412
			Just upstream of Overton Road.....	*488
			Just upstream of Sunnyvale Street.....	*505
		White Rock Creek.....	Just upstream of Scyene Road.....	*406
			Just upstream of Missouri Pacific Railroad.....	*417
			Just upstream of Mockingbird Lane.....	*466
			Just upstream of Abrams Road.....	*480
			Just upstream of Forest Lane.....	*508
			Just upstream of Alpha Road.....	*544
			Just upstream of Beltline Road.....	*561
			Just upstream of West Grove Road.....	*578
			Just upstream of Frankford Road.....	*595
		Stream 5B1.....	Just upstream of Jim Miller Road.....	*421
			Just upstream of Scyene Road.....	*448
		Stream 5B2.....	Just upstream of Loganwood Street.....	*453

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Stream 583	Just upstream of McNeil Street	*479
		Stream 583	150 feet upstream of confluence with Stream 5B1	*433
		Stream 5B38	Just upstream of Hatcher Street	*406
		Peaks Branch	Just downstream of Reed Lane	*407
		Peaks Branch	Just upstream of Hatcher Street	*410
		Peaks Branch	Just upstream of Frank Street	*419
		Forney Branch	Just upstream of Military Parkway	*445
		Forney Branch	Just upstream of Forney Road	*447
		Forney Branch	Just upstream of Jim Miller Road	*482
		Stream 5B5	Just upstream of Samuel Boulevard	*424
		Stream 5B5	Just downstream of Highland Road	*458
		Stream 5B6	Just upstream of Hunnicut Road	*490
		Stream 5B6	Just upstream of Thornton Freeway	*478
		Stream 5B9	Just upstream of Jim Miller Road	*514
		Stream 5B9	Just upstream of Grand Avenue	*459
		Ash Creek	Just downstream of Lindsley Avenue	*465
		Ash Creek	Just upstream of Highland Road	*435
		Ash Creek	Just downstream of Lakeland Drive	*451
		South Fork of Ash Creek	Just downstream of Buckner Boulevard	*472
		South Fork of Ash Creek	Just upstream of Ferguson Road	*468
		South Fork of Ash Creek	Just upstream of King Edward Place	*485
		Stream 5B7	Just upstream of Peavy Road	*504
		McComas Branch	Just upstream of Meadow Lake Drive	*470
		McComas Branch	Just downstream of Sperry Street	*480
		McComas Branch	Just upstream of Sperry Street	*487
		Beards Branch	Just downstream of Wendover Road	*488
		Beards Branch	Just upstream of Wendover Road	*499
		Rush Creek	Just upstream of Lawther Drive	*465
		Rush Creek	Just upstream of Santa Barbara Drive	*506
		Rush Creek	Just upstream of Trammel Drive	*535
		Williamson Branch	Just upstream of Southern Pacific Railroad	*475
		Williamson Branch	Just upstream of Sperry Street	*497
		Williamson Branch	Just upstream of Mockingbird Lane	*519
		Williamson Branch	Just downstream of Abrams Road	*537
		Williamson Branch	Just upstream of Abrams Road	*546
		Dixon Branch	Just upstream of Norris Street	*562
		Dixon Branch	Just upstream of Buckner Boulevard	*467
		Dixon Branch	Just downstream of Easton Road	*487
		Dixon Branch	Just upstream of Northwest Highway	*507
		Dixon Branch	Just upstream of West Kingsley Road	*550
		Dixon Branch	Just downstream of LBJ Freeway	*560
		Stream 5B8	Just upstream of Buckner Boulevard	*500
		Stream 5B8	Just upstream of Peavy Road	*535
		Stream 5B10	Just upstream of Dixfield Road	*492
		Stream 5B10	Just downstream of Lochwood Road	*509
		Stream 5B10	Just upstream of Lochwood Road	*522
		Park Branch	Just upstream of Bel-Air Drive	*501
		East Prong of Dixon Branch	Just upstream of Mediterranean Road	*526
		East Prong of Dixon Branch	Just downstream of Rolling Rock Road	*531
		East Prong of Dixon Branch	Just upstream of Rolling Rock Road	*538
		Jackson Branch	Just downstream of Kingsley Road	*487
		Jackson Branch	Just downstream of LBJ Freeway	*528
		Jackson Branch	Just upstream of LBJ Freeway	*534
		Jackson Branch	Just downstream of Chimney Hill Road	*561
		Jackson Branch	Just upstream of Chimney Hill Road	*566
		McCree Branch	Just upstream of Missouri-Kansas-Texas Railroad	*477
		McCree Branch	Just upstream of Chiswell Road	*478
		McCree Branch	Just downstream of Fieldcrest Drive	*486
		Audelia Branch	Just downstream of LBJ Freeway	*528
		Audelia Branch	Just upstream of LBJ Freeway	*533
		Audelia Branch	Just upstream of Forest Lane	*552
		Caruth Creek	Just upstream of Shadow Way	*581
		Caruth Creek	Just upstream of Eastridge Drive	*495
		Caruth Creek	Just downstream of Hemlock Lane	*536
		Skillman Branch	Just downstream of Northwest Highway	*516
		Skillman Branch	Just upstream of Northwest Highway	*526
		Skillman Branch	Just downstream of Southwestern Boulevard	*535
		Jenkins Branch	Just upstream of Greenville Avenue	*501
		Jenkins Branch	Approximately 100 feet downstream of Boedecker Street	*572
		Richardson Branch	Just upstream of Golf Cart Bridge	*494
		Richardson Branch	Just downstream of Whitehurst Drive	*534
		Richardson Branch	Just upstream of Whitehurst Drive	*545
		Royal Branch	Just upstream of Central Expressway	*512
		Royal Branch	Just upstream of Boedecker Road	*546
		Royal Branch	Just upstream of Barrywood Drive	*562
		Coltonwood Creek of White Rock Creek	Just downstream of Forest Lane	*506
		Coltonwood Creek of White Rock Creek	Just downstream of Road to Texas Instruments	*538
		Coltonwood Creek of White Rock Creek	Just downstream of Spring Valley Road	*561
		Floyd Branch of White Rock Creek	Just upstream of Southern Pacific Railroad	*510
		Floyd Branch of White Rock Creek	Just upstream of Forrest Lane	*515
		Floyd Branch of White Rock Creek	Just downstream of LBJ Freeway (Interstate Highway 635)	*541
		Floyd Branch of White Rock Creek	Just upstream of LBJ Freeway (Interstate Highway 635)	*555
		Hunt Branch	Just downstream of Spring Valley Road	*562
		Buffalo Creek	Just upstream of Forest Lane	*519

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		King of Glory Branch.....	Just upstream of Hillcrest Road.....	*536
			Just upstream of Wander Lane.....	*543
		Arapaho Branch.....	Just upstream of Forest Lane.....	*558
			Just upstream of Meadow Creek.....	*553
			Just upstream of Hillcrest Road.....	*585
		Kiowa Branch.....	Just upstream of Round Rock Road.....	*609
			Just downstream of Alexis Drive.....	*553
			Just downstream of La Cosa Drive.....	*583
		McKamy Branch.....	Just downstream of Meadering Way.....	*647
			Just upstream of Mapleshade Lane.....	*674
			Just upstream of Private Drive.....	*652
			Just upstream of Shady Lane.....	*637
			Just downstream of Shady Lane.....	*629
		Osage Branch.....	Just downstream of Davenport Road.....	*586
			Just downstream of Davenport Road.....	*602
			Just upstream of Davenport Road.....	*607
			Just downstream of Dickerson Street.....	*657
		Stream 5B13.....	Just upstream of Coit Road.....	*680
			Just upstream of Davenport Road.....	*626
			Just downstream of Shady Lane.....	*648
		Stream 5B14.....	Just upstream of Private Road.....	*671
			Just upstream of Shady Lane.....	*645
		Keller Springs Branch.....	Just upstream of Keller Springs Road.....	*572
			Just downstream of Dirt Road and Dam.....	*578
			Just upstream of Dirt Road and Dam.....	*595
		Hall Branch.....	Just upstream of Club Hill Lane.....	*585
			Just upstream of Hilton Head Road.....	*613
			Just upstream of Addison Road.....	*632
		Stream 5B15.....	Approximately 300 feet upstream of North Forty Place.....	*597
		Stream 5B16.....	Just upstream of Dirt Road.....	*634
		Stream 5B17.....	Just downstream of Private Bridge.....	*636
		Long Branch of Duck Creek.....	Just upstream of Centerville Road.....	*533
		Cedar Creek.....	Just downstream of Corinth Street.....	*414
			Just upstream of Moore Street.....	*421
			Just downstream of Clarendon Drive.....	*443
			Just downstream of Zangs Boulevard.....	*479
			Just upstream of Tyler Street.....	*516
			Just upstream of Montclair Avenue.....	*542
		Little Cedar Creek.....	Just upstream of Morrell Avenue.....	*428
			Just upstream of confluence of King's Branch.....	*449
			Just upstream of Stella Avenue.....	*489
			Just upstream of Iowa Avenue.....	*519
			Just downstream of Louisiana Avenue.....	*535
		Kings Branch.....	Just downstream of Denley Drive.....	*470
			Just downstream of Woodin Boulevard.....	*535
			Just downstream of Montana Avenue.....	*549
		Cedar Crest Branch.....	Just downstream of Southerland Avenue.....	*525
			Just upstream of Ozona Street.....	*548
		Beckley Club Branch.....	Just downstream of Iowa Avenue.....	*491
			Just downstream of Elmore Avenue.....	*546
			Just upstream of Hobson Avenue.....	*569
		South Branch of Cedar Creek.....	Just upstream of Beckley Avenue.....	*477
			Just downstream of Louisiana Avenue.....	*504
			Just upstream of Illinois Avenue.....	*526
		Zang's Branch.....	Just upstream of confluence with South Branch of Cedar Creek.....	*498
		Elmwood Branch.....	Just downstream of Tyler Street and Vernon Avenue.....	*515
			Just upstream of Edgefield Avenue.....	*533
			Just downstream of Hampton Road.....	*574
			Just upstream of Melbourne Avenue.....	*595
		Rugged Branch.....	Just downstream of Elmwood Boulevard.....	*538
			Just downstream of Berkeley Avenue.....	*558
		Coombs Creek.....	Just upstream of Edgefield Avenue.....	*448
			Just upstream of Colorado Boulevard.....	*466
			Just upstream of Hampton Road.....	*494
			Just downstream of Davis Street.....	*519
			Just downstream of the intersection of Jefferson Boulevard and Westmoreland Road.....	*549
			Just downstream of Clarendon Drive.....	*590
		Turtle Creek.....	Just upstream of Dallas North Tollway.....	*413
			Just upstream of Bowen Road.....	*433
			Just upstream of Blackburn Street.....	*453
			Just downstream of Avondale Avenue.....	*461
		Cedar Springs Branch.....	Just upstream of Lucas Street.....	*413
			Just upstream of Maple Avenue.....	*440
			Just downstream of Kings Road.....	*465
		Knights Branch.....	Just downstream of Harry Hines Boulevard.....	*418
			Just downstream of Missouri-Kansas-Texas Railroad.....	*460
			Just upstream of Missouri-Kansas-Texas Railroad.....	*467
		West Fork of Knights Branch.....	Just downstream of Mockingbird Lane.....	*448
			Just upstream of Maple Avenue.....	*456
		Chalk Hill Branch.....	Just upstream of Bernal Drive.....	*421
			Just upstream of Texas and Pacific Railroad.....	*433
			Just upstream of Ft. Worth-Dallas Turnpike Ramp.....	*449
			Just upstream of Hale Street.....	*491
			Just upstream of Jefferson Boulevard.....	*592
		Fish Creek.....	Just upstream of Fish Creek Road.....	*469
		Stream 8C1.....	Just upstream of confluence with Mountain Creek.....	*435

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		O'Guinn Creek	Just downstream of Jefferson Boulevard	*445
			Just upstream of Florena Road	*466
			Just upstream of West Kiest Boulevard	*499
			Just upstream of Spur 408 northbound Service Road	*561
			Just upstream of Private Road	*582
			Just downstream of Cedar Ridge Road	*625
		Mountain Creek	Just upstream of confluence of Stream 8C1	*435
			Just upstream of Texas and Pacific Railroad	*458
			Just downstream of I-20	*471
			Just upstream of Camp Wisdom Road	*475
		Bachman Branch	Just upstream of Harry Hines Boulevard	*425
			Just downstream of Midway Road	*466
			Just upstream of Royal Lane	*549
			Just downstream of Willow Lane	*588
		Browning Branch	Just upstream of Park Lane	*500
			Just upstream of Lake Hill Court	*519
			Just upstream of Walnut Hill Lane	*534
		Slaughter Branch	Just upstream of Northwest Highway	*494
			Just upstream of Inwood Road	*500
		Joes Creek	Just upstream of Willowbrook Road	*431
			Just downstream of Brockbank Drive	*440
			Just upstream of Lombardy Lane	*450
			Just upstream of Shady Oak Lane	*490
			Just upstream of Northaven Road	*540
		East Fork of Joes Creek	Just upstream of Dam	*515
		West Fork of Joes Creek	Just downstream of Manana Drive	*430
			Just upstream of Walnut Hill Lane	*435
			Just downstream of Denton Drive	*451
		Farmers Branch	Just upstream of I-635 North Access Road	*439
		Stream 6D3	Just upstream of Marsh Lane	*614
			Just downstream of Old Trinity Mills Road (Approximately 2000 feet east of the intersection of Kelly Springfield Boulevard and Old Trinity Mills Road)	*585
			Just upstream of Old Trinity Mills Road (Approximately 1100 feet east of the intersection of Kelly Springfield Boulevard and Old Trinity Mills Road)	*572
		Stream 6E1	Just upstream of Marsh Lane	*596
			Just downstream of Marsh Lane	*590
			Just upstream of Kelly Springfield Road	*550
			Just upstream of the St. Louis-San Francisco Railway	*534
		Duck Creek	Just upstream of Limit of Detailed Study	*410
			Approximately 1300 feet downstream of East Fork Road	*412
		Rowlett Creek	Just upstream of Rowlett Road	*437
			Just upstream of Miller Road	*444
			Just upstream of Missouri-Kansas-Texas Railroad	*451
		Long Branch of Rowlett Creek	Approximately 100 feet downstream of Kirby Road	*438
		Stream 2D1	Just downstream of Dam	*446
			Just upstream of Dam	*447
		Stream 2E10	Approximately 550 feet downstream of Chiesa Road	*441
		Muddy Creek	Just downstream of Liberty Grove Road	*442
		Stream 2E9	Approximately 850 feet downstream of Edgewater Road	*440
		Stream 2E2	Approximately 2200 feet downstream of Liberty Grove Road	*440
		Stream 2A5	Just downstream of Dalrock Road	*440
			Just upstream of Dalrock Road	*446
		Stream 2A4	Just downstream of Dalrock Road	*439
			Just upstream of Dalrock Road	*444
		Stream 2A3	Just downstream of Dirt Road	*439
			Just upstream of Dirt Road	*444
		Cottonwood Creek (East Fork-Trinity River)	Just downstream of Liberty Grove Road (Flooding controlled by Backwater from Lake Ray Hubbard)	*437
			Just upstream of Liberty Grove Road	*445
		Lake Bay Hubbard	Entire Shoreline	*437
		Eagle Ford Sump	Entire Sump Area	*416
		Eagle Ford No. 3 Sump	Entire Sump Area	*421
		Trinity-Portland Sump	Entire Sump Area	*413
		Francis Street Sump	Entire Sump Area	*410
		Westmoreland-Hampton Sump	Entire Sump Area	*407
		Pavaho Sump	Entire Sump Area	*409
		Pumping Plant "C" Sump	Entire Sump Area	*404
		Corinth Street Sump	Entire Sump Area	*400
		Hampton-Oaklawn Sump	Entire Sump Area	*405
		Nobles Branch Sump	Entire Sump Area	*408
		Record Crossing	Entire Sump Area Sump	*404
		Pumping Plant	Entire Sump Area "A"	*393
		Beckley Avenue Sump	Entire Sump Area	*430
		Grapevine Creek	Just downstream of Beltline Road	*458
			Just downstream of Moore Road	*466

Maps available for inspection at Public Works Department, 1500 West Mockingbird Lane, Room C24, Dallas, Texas 75235.

Vermont	Swanton, village, Franklin County (Docket No. FEMA-6356)	Missisquoi River	Downstream corporate limits (extended)	*110
			Downstream corporate limits	*111
			Downstream Swanton Village Dam	*113
			Upstream corporate limits (extended)	*119

Maps available for inspection at the Village Offices, First and Elm Streets, Swanton, Vermont.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Virginia	Chesterfield County (Docket No. FEMA-8356)	James River	Confluence of Kingsland Creek	*22
			Downstream of the City of Richmond (downstream county boundary).	*28
		Falling Creek	Second downstream county boundary extended	*139
			Upstream county boundary extended	*145
			Confluence with the James River	*25
			Upstream of U.S. Routes 1-301	*39
			Upstream of State Route 150 (downstream crossing Chippenham Parkway).	*43
			Upstream of Cogbill Road	*56
			Upstream of Hopkins Road	*93
			Upstream of State Route 150 (upstream crossing Chippenham Parkway).	*109
			Upstream of State Secondary Route 643 (Turner Road).	*140
			Upstream of State Secondary Route 651 (Belmont Road).	*149
			Upstream of State Secondary Route 649 (Newbys Bridge Road).	*161
			Upstream Gregorys Dam	*174
			Upstream of State Secondary Route 653 (Courthouse Road).	*187
			Upstream Lucks Lane	*212
			Upstream of U.S. Route 60 (Midlothian Highway)	*242
			Upstream of Old Buckingham Road	*249
		Pocoshock Creek	Confluence with Falling Creek	*107
			Upstream of dam	*128
			Upstream of State Route 150 (Chippenham Parkway)	*139
			Upstream of State Secondary Route 650 (Turner Road).	*152
			Downstream of State Secondary Route 647 (Walmsley Boulevard).	*163
			Upstream of U.S. Route 360	*179
		Proctors Creek	Upstream of Twilight Lane	*201
			Upstream of Providence Road	*207
			Upstream of South Arch Road	*225
			Upstream of Sturbridge Drive	*281
			Confluence with the James River	*19
			Upstream of Seaboard Coast Line Railway (downstream crossing)	*25
			Upstream of Interstate Route 95	*46
			Upstream of U.S. Route 1-301	*68
			Upstream of State Route 145 (Chester Road)	*103
			Upstream of Seaboard Coast Line Railway (3rd crossing).	*120
		Great Branch	Upstream of confluence of Crooked Branch	*126
			Upstream of Salem Church Road	*148
			Confluence with Proctors Creek	*103
		Great Branch Tributary	Upstream of State Route 145 (Chester Road)	*114
			Upstream of Seaboard Coast Line Railway	*126
			Upstream State Secondary Route 632	*145
		Redwater Creek	Confluence with Great Branch	*126
			Approximately 2,450 feet upstream of confluence of Great Branch.	*132
			Confluence with Proctors Creek	*19
		Crooked Branch	Upstream of Coxendale Road	*48
			Downstream of Osborne Road	*65
			Approximately 4,800 feet upstream of Osborne Road	*106
			Confluence with Proctors Creek	*126
		Kingsland Creek	Upstream of Centralia Road	*147
			Approximately 8,100 feet upstream of Centralia Road (approximately 100 feet downstream of Hollyberry Drive).	*172
			Confluence with the James River	*22
			Upstream of Seaboard Coast Line Railway Spur	*55
			Upstream of Interstate Route 95	*63
			Upstream of U.S. Routes 1-301	*76
		Johnson Creek	Upstream of Seaboard Coast Line Railway (downstream crossing).	*88
			Upstream of Seaboard Coast Line Railway (upstream crossing).	*107
			Upstream of confluence with Reedy Creek	*115
			Upstream of State Secondary Route 641 (Beulah Road).	*131
			Upstream of State Route 10	*182
			Confluence with the James River	*8
		Appomattox River	Upstream Allied Chemical Road	*14
			Upstream of Spruce Avenue	*23
			Upstream of Enon Church Road (State Secondary Route 746).	*45
			Upstream of Seaboard Coast Line Railway	*57
			Upstream of Kingston Avenue	*76
			Downstream of Inge Road	*99
			Upstream of Old Bermuda Hundred Road	*112
			Downstream county boundary	*8

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Chesterfield Avenue.....	*28
			Upstream of Seaboard Coast Line Railway.....	*41
			Upstream of Pickett Avenue.....	*87
			Upstream of upstream VEPCO dam.....	*121
			Downstream of Brasfield Dam.....	*132
		Swift Creek.....	At confluence with the Appomattox River.....	*8
			Upstream of Interstate Route 95.....	*13
			Upstream of Seaboard Coast Line Railway.....	*26
			Upstream of State Secondary Route 625 (Brander's Bridge Road).....	*69
			At confluence of Franks Branch.....	*90
			Upstream of State Secondary Route 631 (Bradley Bridge Road).....	*104
			Upstream of State Secondary Route 655 (Beach Road).....	*128
			Upstream of Pocahontas State Park Dam.....	*141
			Upstream of State Secondary Route 653 (Qualla Road).....	*149
			Upstream of State Secondary Route 654 (Bailey Bridge Road).....	*156
			Upstream of U.S. Route 360.....	*175
		Licking Creek.....	At confluence with Swift Creek.....	*109
			At confluence of First Branch.....	*129
			Upstream of State Secondary Route 636 (Nash Road).....	*144
		Timsberry Creek.....	Confluence with Swift Creek.....	*13
			Upstream of Seaboard Coast Line Railway.....	*67
			Approximately 7,900 feet upstream of Tipton Hill Street (downstream of State Route 144).....	*96
		Timsberry Creek Tributary.....	Confluence with Timsberry Creek.....	*68
			Upstream of State Route 144.....	*83
		Nuttree Branch.....	Confluence with Swift Creek.....	*160
			Upstream of dam.....	*164
			Upstream of Hull Street (U.S. Route 360).....	*187
		Ashton Creek.....	Confluence with the Appomattox River.....	*8
			Upstream of State Secondary Route 746.....	*20
			Upstream of State Secondary Route 620.....	*45
			Upstream of Interstate Route 95.....	*56
			Upstream of Seaboard Coast Line Railway.....	*93
		Oldtown Creek.....	Downstream of State Route 144.....	*106
			Upstream of Seaboard Coast Line Railway (downstream crossing).....	*68
			Downstream of Brander's Bridge Road.....	*73
			Upstream of Woodpecker Road.....	*82
			Upstream of Hickory Road (State Secondary Route 628).....	*94
			Upstream of Warren Avenue.....	*108
			Upstream of Holloway Avenue.....	*120
			Downstream of Matoaca Road.....	*142
		Oldtown Creek Tributary.....	Confluence with Oldtown Creek.....	*124
			Upstream of Matoaca Road.....	*131
		Tomahawk Creek.....	Confluence with Swift Creek Reservoir.....	*183
			Upstream of State Secondary Route 652 (Old Hundred Road).....	*204
			Upstream of Otterdale Road.....	*224
			Downstream of Southern Railway.....	*271
		Little Tomahawk Creek.....	Confluence with Swift Creek Reservoir.....	*183
			Upstream of State Secondary Route 652.....	*199

Maps available for inspection at the County Courthouse, Chesterfield, Virginia.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director.

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29168 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program, Final Flood Elevation Determinations

AGENCY: Federal Emergency
Management Agent.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated in the table below.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period

of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new

local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Tombstone (City), Cochise County, FEMA-6333	Walnut Gulch	Intersection of Camino San Rafael Road and Ridge Road (Gleeson Road).	*4,391
Maps available for inspection at City Clerk's Office, 315 E. Fremont, Tombstone, Arizona.				
California	Huntington Beach (City), Orange County, FEMA-5938	Santa Ana River	Intersection of Edwards Street and Warner Avenue	#1
			Intersection of Padua Drive and Misty Lane	*1
			Intersection of Garfield Avenue and Ward Street	#2
			Intersection of Heil Avenue and Hone Lane	*3
			Intersection of Atlanta Avenue and Magnolia Street	*11
			Intersection of Holburn Lane and Ramsgate Lane	*14
		Pacific Ocean	Centerline of Edgewater Lane 500 feet west from the intersection of Edgewater and Waverly Lanes.	*5
			850 feet southwest from the intersection of Pacific Coast Highway and Warner Avenue.	*6
			650 feet southwest from the intersection of Pacific Coast Highway and Warner Avenue.	*13
Maps available for inspection at City Hall, Huntington Beach, California.				
California	Oakland (City), Alameda County, FEMA-6299	Line A (Temescal Creek)	Line B (Glen Echo Creek)	*68
			Intersection of 47th Street and Market Street	*33
			50 feet upstream from center of 29th Street	*2
		Line C	Intersection of Grand Avenue and Elmwood Avenue	*2
		Line D (Trestle Glen)	Intersection of Park Avenue and Lakeshore Avenue	*218
		Line E (Sausal Creek)	100 feet upstream from center of El Centro Avenue	*206
		Line F (Peralta Creek)	50 feet upstream from center of Florida Street	*94
		Line G	130 feet upstream from center of Fairfax Avenue	*40
		Line I (Seminary Avenue Drain)	50 feet upstream from center of Harmon Avenue	*72
		Line K (Arroyo Viejo Creek)	100 feet downstream from center of MacArthur Boulevard.	*10
		Line M (Elmhurst Creek)	100 feet upstream from center of Hegenberger Expressway.	*17
		Line N (Stonehurst Creek)	100 feet upstream from center of Nimitz Freeway (State Highway 17).	*17
		Line P (San Leandro Creek)	100 feet upstream from center of Nimitz Freeway (State Highway 17).	*7
		San Francisco Bay	Intersection of Tidal Canal and center of Dennison Street.	

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake Merritt.....	300 feet north from center of 14th Street Bridge of Line R (Merritt Outflow).	*5
Maps available for inspection at Department of Engineering, 14th & Washington, Oakland, California.				
California.....	Reedley (City), Fresno County, FEMA-6299.....	Kings River.....	Downstream side of Olsen Avenue crossing the river.....	*307
Maps available for inspection at Department of Public Works, 845 G Street, Reedley, California.				
California.....	Sanger (City), Fresno County, FEMA-6299.....	Cherry Avenue Percolation Basin.....	Intersection of Cherry Avenue and Behtel Avenue.....	*354
		Greenwood Park Drainage.....	Intersection of Palm and Dewitt Avenue.....	#1
		Southern Pacific Railroad.....	Intersection of Plan Avenue and Greenwood Avenue.....	#1
			Intersection of Anandale Avenue and K Street.....	#2
			Intersection of K Street and Jensen Avenue.....	#2
Maps available for inspection at the Department of Public Works, 1700 7th Street, Sanger, California.				
Delaware.....	Bethany Beach, Town, Sussex County, (Docket No. FEMA-6299).	Atlantic Ocean.....	Entire shoreline within community.....	*12
Maps available for inspection at the Town Hall, 214 Garfield Parkway, Bethany Beach, Delaware.				
Delaware.....	Fenwick Island, Town, Sussex County, (Docket No. FEMA-6299).	Atlantic Ocean.....	Entire shoreline within community.....	*13
Maps available for inspection at the Office of the Town Clerk, Town Hall, Fenwick Island, Delaware.				
Delaware.....	Henlopen Acres, Town, Sussex County, (Docket No. FEMA-6299).	Atlantic Ocean.....	Entire shoreline within community.....	*13
Maps available for inspection at the Town Hall, 104 Tidewaters Road, Henlopen Acres, Delaware.				
Delaware.....	Rehoboth Beach, City, Sussex County, (Docket No. FEMA-6299).	Atlantic Ocean.....	Entire shoreline within community.....	*13
		Lewes and Rehoboth Canal.....	Entire shoreline within community.....	*9
Maps available for inspection at the City Hall, 73 Rehoboth Avenue, Rehoboth Beach, Delaware.				
Delaware.....	South Bethany, Town, Sussex County, (Docket No. FEMA-6299).	Atlantic Ocean.....	Entire shoreline within community.....	*11
Maps available for inspection at the Town Hall, 402 Evergreen and Pine Streets, South Bethany, Delaware.				
Florida.....	Unincorporated Areas of Highland County, (FEMA-6079).	Arbuckle Creek.....	Just downstream of U.S. Highway 98 (State Highway 700).	*45
			Approximately 1,000 feet upstream of Seaboard Coast Line Railroad.	*50
		Jack Creek.....	Just upstream of Weir, 600 feet upstream of confluence with Josephine Creek.	*65
			Just upstream of Covered Bridge.....	*72
		Yellow Bluff Creek.....	Approximately 700 feet upstream of confluence with Josephine Creek.	*52
			Just downstream of U.S. Highway 98 (State Highway 700).	*77
		Josephine Creek.....	Just downstream of State Highway 17.....	*63
			Just upstream of Weir.....	*68
		Channel Between Lake June-In-Winter and Lake Placid.	Approximately 1,300 feet upstream of confluence with Lake June-In-Winter.	*75
			Just downstream of Lake Placid.....	*96
		Channel Between Lake Josephine and Wolf Lake.	Just upstream of State Highway 66.....	*90
			Just upstream of Unnamed Road.....	*95
		Carter Creek.....	Just upstream of Arbuckle Creek Road.....	*67
			Just upstream of State Highway 17.....	*93
			Just upstream of confluence with Little Bonnet Lake.....	*102
		Channel A.....	Just upstream of State Highway 17.....	*98
			At Little Red Water Lake Shoreline.....	*104
		Lake Adelaide.....	Entire Shoreline.....	*109
		Lake Annie.....	Entire Shoreline.....	*113
		Lake Carrie.....	Entire Shoreline.....	*76
		Lake Charlotte.....	Entire Shoreline.....	*84
		Lake Chilton.....	Entire Shoreline.....	*115
		Lake Clay.....	Entire Shoreline.....	*79
		Lake Damon.....	Entire Shoreline.....	*100
		Lake Francis.....	Entire Shoreline.....	*72
		Grassy Lake.....	Entire Shoreline.....	*93
		Lake Henry.....	Entire Shoreline.....	*75
		Lake Huntley.....	Entire Shoreline.....	*84
		Lake Istokpoga.....	Entire Shoreline.....	*42
		Lake Josephine.....	Entire Shoreline.....	*75

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake June-In-Winter.....	Entire Shoreline.....	*75
		Lake McCoy.....	Entire Shoreline.....	*87
		Mirror Lake.....	Entire Shoreline.....	*96
		Lake Olivia.....	Entire Shoreline.....	*118
		Lake Pabor.....	Entire Shoreline.....	*106
		Lake Pearl.....	Entire Shoreline.....	*87
		Persimmon Lake.....	Entire Shoreline.....	*69
		Lake Placid.....	Entire Shoreline.....	*96
		Lake Pythias.....	Entire Shoreline.....	*102
		Red Beach Lake.....	Entire Shoreline.....	*78
		Lake Ruth.....	Entire Shoreline.....	*92
		Lake Sebring.....	Entire Shoreline.....	*110
		Lake Trout.....	Entire Shoreline.....	*99
		Wolf Lake.....	Entire Shoreline.....	*95
Maps available for inspection at County Commissioner's Building, Sebring, Florida 33870.				
Florida.....	Hollywood (City) Broward County FEMA-6299.....	Atlantic Ocean—Open Coast.....	Intersection of North Surf Road and Meade Street.....	*9
			Approximately 200 feet east of the intersection of North Surf Road and Simms Street.....	*11
			Approximately 150 feet east of the intersection of South Surf Road and Jasmine Terrace.....	*9
		Atlantic Ocean—Port Everglades.....	Approximately 1,000 feet east of the intersection of Eisenhower Boulevard and SE 25 Street.....	*9
		Atlantic Ocean—Intracoastal Waterway.....	Intersection of Perry Street and North Ocean Drive.....	*8
			Intersection of Taft Street and North 11 Avenue.....	*8
			Intersection of Johnson Street and North 16 Avenue.....	*7
			Intersection of North 9 Avenue and Buchanan Street.....	*8
			Intersection of South 7 Avenue and Adams Street.....	*7
			Intersection of Tyler Street and South 16 Avenue.....	*7
Maps available for inspection at Building Department, 2600 Hollywood Boulevard, 2nd Floor, Hollywood, Florida.				
Georgia.....	City of Morrow, Clayton County, (FEMA-6333).....	North Fork Juster Creek.....	Just upstream of Interstate Highway 75.....	*867
			Just upstream of Reynolds Road.....	*879
		Conine Creek.....	Approximately 300 feet from Interstate Highway 75.....	*870
		Duffey Tributary.....	Approximately 50 feet from Limit of Detailed Study.....	*865
		York Tributary.....	Just upstream of Duffey Drive.....	*850
			Just upstream of Argonne Drive.....	*864
		Stratford Tributary.....	Just upstream of Mural Circle.....	*867
Maps available for inspection at City Hall, 1500 Morrow Road, Morrow, Georgia 30260.				
Georgia.....	City of Mountain Park, Fulton and Cherokee Counties (FEMA-6154).....	Rocky Creek.....	At Mountain Park Road.....	*915
Maps available for inspection at City Hall, 100 Mountain Park Road, Roswell, Georgia 30075.				
Louisiana.....	City of New Orleans, and Orleans Parish, (FEMA-6299).....	Gulf of Mexico/Lake Borgne.....	Intersection of Chief Mentuer Pass and Intercoastal Waterway.....	*18
		Gulf of Mexico/Lake Pontchartrain.....	At northern cul-de-sac of Francesco Road*.....	12
			Intersection of Azba Road and Lucrino Road.....	*11
Maps available for inspection at the Department of Safety and Permits, Building Permit Division, Room 7E04, City Hall, 1300 Perdido, New Orleans, Louisiana 70112.				
Louisiana.....	Unincorporated Areas of St. John the Baptist Parish, (FEMA-6299).....	Lake Pontchartrain.....	Approximately 300 feet from shoreline.....	*16
Maps available for inspection at St. John the Baptist Police Jury Inspector's Office, Parish Courthouse, 1801 West Airline Highway, LaPlace, Louisiana 70068.				
Louisiana.....	Unincorporated Area of Tangipahoa Parish, (FEMA-6299).....	Tangipahoa River.....	Just downstream of U.S. Highway 190.....	*32
			Just downstream of State Highway 443.....	*49
			Approximately 400 feet upstream of State Highway 16.....	*109
			Just upstream of State Highway 10.....	*128
			Approximately 500 feet upstream of State Highway 440.....	*173
		Nataibary River.....	Just upstream of State Highway 1,054.....	*220
			Just upstream of State Highway 1,064.....	*44
			Just downstream of State Highway 442.....	*59
			Just upstream of State Highway 40.....	*85
			Just upstream of State Highway 16.....	*124
			Just upstream of Bennett Road.....	*163
			Just downstream of State Highway 1,048.....	*175
		Ponchatoula Creek.....	Just upstream of U.S. Highway 190 (westbound).....	*39
		Yellow Water River Canal.....	Just upstream of U.S. Highway 190.....	*40
		Beaver Creek.....	Just upstream of Illinois Central Gulf Railroad.....	*175
		Button Creek.....	Just downstream of U.S. Highway 51.....	*199
		Lake Maurepas.....	Along shoreline.....	*15
		Lake Pontchartrain.....	Along shoreline.....	*18
Maps available for inspection at Williams Tyser Associates, Inc., 110 East Chestnut, Amite, Louisiana 70422.				
Maryland.....	Betterton, Town, Kent County, (Docket No. FEMA-6299).....	Sassafras River.....	From eastern corporate Limits to Clark Road extended.....	*14
			From Clark Road extended to western corporate limits.....	*13
Maps available for inspection at the Town Office, Monday and Friday, between 2:00 p.m. and 4:00 p.m., Betterton, Maryland.				
Massachusetts.....	Haverhill, City Essex County (Docket No. FEMA-6218).....	Merrimack River.....	Downstream Corporate Limits.....	*16
			Confluence of Millvale Reservoir Brook.....	*19
			Upstream of Groveland Street.....	*21
			Upstream of Bridge Street.....	*23

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Interstate Route 495 (southbound).....	*26
			Upstream Corporate Limits.....	*31
		Little River.....	Confluence with Merrimack River.....	*23
			Downstream Boston & Maine Railroad.....	*26
			Upstream Interstate Route 495 (southbound).....	*29
			Upstream Rosemont Street.....	*36
			Upstream Corporate Limits.....	*39
		Creek Brook.....	Confluence with Merrimack River.....	*27
			Upstream of Access Road approximately 50' upstream of Broadway.....	*41
			Approximately 3,300' upstream of Broadway.....	*70
			Approximately 950' downstream of Lake Street.....	*115
			Crystal Lake Spillway.....	*153
		Millvale Reservoir Brook.....	Confluence with Merrimack River.....	*19
			Millvale Reservoir Spillway.....	*45
		Haverhill Riverside Airport Brook.....	Confluence with Merrimack River.....	*20
			Upstream of East Broadway.....	*31
			Upstream Kenoza Street.....	*52
Maps available for inspection at the City Engineer's Office, Haverhill City Hall, 4 Summer Street, Room 214, Haverhill, Massachusetts.				
Michigan.....	(Twp.) Bedford, Calhoun County (Docket No. FEMA-6299).	Kalamazoo River.....	At downstream corporate limits.....	*799
			At upstream corporate limits (near Custer Road).....	*804
			About 8,750 feet upstream of Custer Road.....	*806
		Waubascon Creek.....	At confluence with Kalamazoo River.....	*804
			Just upstream of Michigan Avenue.....	*806
			At upstream corporate limits (about 1,500 feet upstream of Cross Street).....	*812
		Secondary Channel.....	At confluence with Kalamazoo River.....	*803
			At divergence with Kalamazoo River.....	*803
Maps available for inspection at the Town Hall, 115 South Uldriks, Battle Creek, Michigan.				
Michigan.....	(Twp.) Elmwood, Leelanau County (Docket No. FEMA-6299).	West Arm-Grand Traverse Bay.....	Shoreline.....	*584
		Lake Leelanau.....	Shoreline.....	*590
		Cedar Lake.....	Shoreline.....	*595
		Outflow from Cedar Lake.....	Shoreline.....	*584
Maps available for inspection at the Town Hall, 10740 Cherry Bend Road, Traverse City, Michigan.				
Michigan.....	(Twp.) Milton, Antrim County, (Docket No., FEMA-6299).	Grand Traverse Bay.....	Shoreline.....	*584
		Elk Lake.....	Shoreline.....	*590
		Torch Lake.....	Shoreline.....	*591
		Torch River.....	Just downstream of Cherry Avenue.....	*591
			At mouth at Skegemog Lake.....	*590
Maps available for inspection at Mr. Clays' Residence, Route #1, Box 19D, Kewadin, Michigan.				
Michigan.....	(V) Sparta, Kent County (Docket No. FEMA-6333).....	Nash Creek.....	About 1,700 feet downstream of Division Street.....	*740
			Just upstream of Chessie System.....	*745
			About 0.6 mile upstream of State Street.....	*745
		Rogue River.....	About 0.7 mile downstream of 13 Mile Road.....	*738
			About 150 feet upstream of 13 Mile Road.....	*742
Maps available for inspection at the Village Hall, 160 East Division Street, Sparta, Michigan.				
Michigan.....	(Cht. Twp.) Waterford, Oakland County (Docket No., FEMA-6299).	Clinton River.....	Just downstream of Cass Lake Road.....	*931
			Just upstream of Elizabeth Lake Road.....	*1939
			Just upstream of Emburke Boulevard.....	*943
			Just downstream of dam near Hatchery Road.....	*948
			Just downstream of Oakland Lake East Dam.....	*954
			About 500 feet downstream of Van Norman Lake Outlet.....	*961
			Just downstream of Van Norman Lake Outlet.....	*969
		Oakland Lake-West Outlet.....	Just downstream of Oakland Lake-West Outlet.....	*954
		Coles Bay Otter Lake (North Channel).....	Just downstream of Cass Lake Road.....	*932
		Clinton River West Channel.....	At confluence with Clinton River.....	*945
			Just downstream of Dam near Hatchery Road.....	*950
		Otter Lake.....	Shoreline.....	*931
		Cass Lake.....	Shoreline.....	*932
		Loon Lake.....	Shoreline.....	*952
		Oakland Lake.....	Shoreline.....	*960
		Woodhull Lake.....	Shoreline.....	*960
		Van Norman Lake.....	Shoreline.....	*969
		Coles Bay.....	Shoreline.....	*932
		Gerundegut Bay.....	Shoreline.....	*932
		Eagle Lake.....	Shoreline.....	*960
		Sylvan Lake.....	Shoreline.....	*931
		Lester Lake.....	Shoreline.....	*969
		Wormer Lake.....	Shoreline.....	*953
		Schoolhouse Lake.....	Shoreline.....	*953
		Mohawk Lake.....	Shoreline.....	*953
		Silver Lake.....	Shoreline.....	*952
		Upper Silver Lake.....	Shoreline.....	*952
		Lotus Lake.....	Shoreline.....	*969

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Maceday Lake	Shoreline	*969
		William Lake	Shoreline	*969
Maps available for inspection at the Town Hall, 5200 Civic Center Drive, Waterford, Michigan.				
Mississippi	City of Richland, Rankin County, (FEMA-6005	Richland Creek	Approximately 2000 feet upstream of Old U.S. Highway 49	*270
			Just downstream of U.S. Highway 49	*271
			Just upstream of U.S. Highway 49	*272
		Pearl River	Just downstream of Illinois Central Gulf Railroad	*268
			Just upstream of Illinois Central Gulf Railroad	*269
		Pearl River Tributary 1	Just upstream of Old U.S. Highway 49 (Cleary Road)	*278
			Approximately 125 feet downstream of South Gate Industrial Drive	*286
			Just upstream of South Gate Industrial Drive	*288
			Just downstream of U.S. Highway 49	*294
		Pearl River Tributary 2	Just upstream of Old U.S. Highway 49	*271
			Just downstream of U.S. Highway 49	*271
		Squirrel Branch	Just downstream of U.S. Highway 49	*271
			Just upstream of U.S. Highway 49	*272
		Conway Slough	Approximately 500 feet upstream of Old U.S. Highway 49	*263
			Just downstream of Illinois Central Gulf Railroad	*264
Maps available for inspection at City Hall, P.O. Box 08127, Richland Station, Jackson, Mississippi 39218.				
Missouri	(C) Brunswick Chariton County Docket No. FEMA-6299).	Grand River	About 2,600 feet upstream from mouth	*647
			Upstream corporate limits	*649
Maps available for inspection at the City Hall, Brunswick, Missouri.				
Missouri	(C) Mexico, Audrain County, (Docket No. FEMA-6333).	Lakeview Park Creek	About .34 mile downstream of Huntingfield Drive	*752
			Just upstream of Huntingfield Drive	*760
			Just upstream of private road (about .46 mile Upstream of Huntingfield Road)	*766
			Just upstream of U.S. Highway 54	*773
			Just downstream of Missouri Power and Light Dam	*775
			Just upstream of Missouri Power and Light Dam	*795
			About .1 mile downstream of Osage Road	*797
			Just upstream of Osage Road	*805
			Just upstream of Illinois Central Gulf Railroad	*807
		North Fork Lakeview Park Creek	At confluence with Lakeview Park Creek	*797
			Just upstream of Lakeview Road	*800
			Just downstream of Illinois Central Gulf Railroad	*804
			Just upstream of Illinois Central Gulf Railroad	*809
		Davis Creek	About .22 mile downstream of State Highway 15	*735
			About .43 mile upstream of Kentucky Road	*740
		South Fork Salt River	Just downstream of County Highway J	*735
			Just downstream of Norfolk and Western Railway	*751
		Town Branch	Just downstream of State Highway J	*738
			Just downstream of Craig Street	*743
			Just upstream of Woodlawn Street	*749
			Just upstream of Calhoun Street	*751
			Just upstream of Jefferson Street	*760
			Just upstream of Olive Street	*769
			Just downstream of Green Boulevard	*816
Maps available for inspection at the City Engineer's Office, City Hall, 300 North Coal Street, Mexico, Missouri.				
Missouri	(C) Plattsburg, Clinton County, (Docket No. FEMA-6299).	Concord Creek	Just upstream of East Concord Drive	*902
			About 150 feet downstream of Lake Concord Spillway	*902
			Just downstream of Lake Concord Spillway	*915
			About 6,000 feet upstream of confluence with Funkhouser Creek (near western corporate limit)	*935
		Lake Concord	Shoreline	*921
		Smithville Reservoir	Shoreline	*876
		Funkhouser Creek	Just upstream of confluence with Oak Branch	*876
			About 250 feet Upstream Broadway Street	*923
			Just upstream of Plotsky Avenue	*944
			About 3,800 feet upstream of Plotsky Avenue (near western corporate limit)	*971
		Horsefork Creek	Just downstream of State Highway 116	*885
			Just upstream of Atchison, Topeka and Santa Fe Railroad	*886
		Minklers Branch	Confluence with Horsefork Creek Just upstream of East Street	*886
			Just upstream of East Street	*904
			Just upstream of Main Street	*910
			Just upstream of Second Street	*916
			Just upstream of Walnut Street	*929
			Just downstream of Fourth Street	*933
Maps available for inspection at the City Hall, Plattsburg, Missouri.				
Missouri	(T) Sumner, Chariton County (Docket No. FEMA-6299).	Grand River	About 5,100 feet upstream of State Highway 139	*671
			About 8,200 feet upstream of State Highway 139	*672
Maps available for inspection at the City Hall, Sumner, Missouri.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Nebraska	(V) Pender, Thurston County (Docket No. FEMA-6333).	Logan Creek	About 6,800 feet downstream of State Highway 94	*1,323
			Just upstream of State Highway 94	*1,330
			About 7,700 feet upstream of State Highway 94	*1,333
		Unnamed Tributary to Logan Creek	At mouth	*1,331
			About 7,600 feet upstream of State Highway 9	*1,336
		Logan Creek Overflow	About 1,350 feet downstream of First Street	*1,325
			About 1,700 feet upstream of Willis Street	*1,331
Maps available for inspection at the City Office, City Hall, P.O. Box S, Pender, Nebraska.				
Nevada	Yerington (City), Lyon County, FEMA-6333.	Walker River	Intersection of Main Street and Goldfield Avenue	*4,379
			Intersection of McCormick Avenue and Wassuk Way	*4,390
Maps available for inspection at City Clerk's Office, 102 S. Main, Yerington, Nevada.				
New Jersey	Avalon, Borough, Cape May County (Docket No. FEMA-6299).	Atlantic Ocean	76th Street extended 850 feet seaward from its intersection with Dune Drive.	*14
			62d Street extended 550 feet seaward from its intersection with Dune Drive.	*14
			48th Street extended 700 feet seaward from its intersection with Dune Drive.	*14
			30th Street extended 350 feet seaward from its intersection with Avalon Avenue.	*14
			13th Street extended 700 feet seaward from its intersection with Avalon Avenue.	*14
			Dune Drive extended 500 feet northeast from its intersection with 7th Street.	*14
			74th Street extended 800 feet seaward from its intersection with Dune Drive.	*11
			52d Street extended 450 feet seaward from its intersection with Dune Drive.	*11
New Jersey	Avalon, Borough, Cape May County	Atlantic Ocean	30th Street at the Boardwalk	*11
			Intersection of 7th Street and First Avenue	*11
			Intersection of 3rd Avenue and 6th Street	*11
			Intersection of 77th Street and Ocean Drive	*10
			Intersection of 53rd Street and Dune Drive	*10
			Intersection of Pelican and Heron Drives	*10
			Intersection of 1st Avenue and 29th Street	*10
			Intersection of 5th Avenue and 21st Street	*10
			Intersection of Dune Drive and 8th Street	*10
			Confluence of Shark Creek with the Gulf Island Thorefare.	*11
Maps available for inspection at the Office of the Municipal Clerk, Municipal Building, 3100 Dune Drive, Avalon, New Jersey.				
New Jersey	Cranford, Township, Union County (Docket No. FEMA-6233).	Rahway River	Upstream of Garden State Parkway	*44
			Upstream side of downtown crossing of Conrail	*53
			Upstream side of Droscher's Dam	*61
			Confluence with Orchard Street Branch	*68
		Orchard Street Branch	Upstream side Kenilworth Boulevard	*71
			Confluence with Rahway River	*68
			Approximately 700' upstream of upstream Conrail crossing.	*75
		Gallows Hill Road Branch	Confluence with Rahway River	*69
			Upstream side of Second Private Drive	*82
		College Branch	At confluence with Rahway River	*70
			Springfield Avenue bridge	*70
Maps available for inspection at the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey.				
New Jersey	Eagleswood, Township, Ocean County (Docket No. FEMA-6276).	Little Egg Harbor	Entire shoreline within community	*8
Maps available for inspection at the Municipal Building, Division Street, West Creek, New Jersey.				
New Jersey	Egg Harbor, Township, Atlantic County (Docket No. FEMA-6333).	English Creek	Downstream of Zion Road at spillway	*10
			Upstream of School Road	*16
			Approximately 4,100' upstream of School Road	*27
		Mill Branch	Confluence with Little Meadow Run	*12
			Upstream of Garden State Parkway	*17
			Upstream of Spruce Road	*25
			Upstream of Ridge Road	*26
			Approximately 3,200' upstream of Ridge Road	*30
		Little Meadow Run	Confluence with Mill Branch	*12
			Upstream of Garden State Parkway	*16
			Approximately 3,580' upstream of Spruce Road	*22
			Upstream of Delaware Road	*32
			Upstream of Ridge Road	*33
		Lakes Creek	Bevis Mill Road	*9
			Approximately 4,900' upstream of Bevis Mill Road	*13
		Maple Run	At confluence with Patcong Creek and Mill Branch	*12
			Approximately 1,800' upstream Mill Road	*14
		Patcong Creek	At spillway upstream of Central Avenue	*11
			At confluence with Mill Branch and Maple Run	*12
		North Branch	Downstream of Garden State Parkway	*14

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Great Egg Harbor Bay within community.	Upstream of Garden State Parkway	*20
			Upstream of Conrail	*30
			Upstream of upstream Conrail crossing	*46
			Entire shoreline of Great Egg Harbor Bay	*9
			Entire shoreline of Great Egg Harbor River	*9
			Entire shoreline for eastern portion of the township	*9
Maps available for inspection at the Office of the Construction Official, Egg Harbor Township Complex, Central Avenue and Bargaintown Road, Bargaintown, New Jersey.				
New Jersey	Lower Township, Cape May County (Docket No. FEMA-6299).	Delaware Bay	Entire shoreline within community	*9
		Atlantic Ocean	Entire shoreline between Borough of Cape May Point and City of Cape May	*14
			Along the Lower Township/Cape May Point corporate limits between Seagrove Avenue and Sunset Boulevard	*10
			Along the City of Cape May/West Cape May corporate limits to approximately 920' east of intersection of Seagrove Drive and Sunset Boulevard	*12
			Along the Lower Township/West Cape May corporate limits to the U.S. Coast Guard Base	*10
			Entire shoreline between U.S. Coast Guard Base and Wildwood Crest corporate limits	*14
			Along the corporate limits of Lower Township/Wildwood Crest	*10
			Along the corporate limits of Lower Township/City of Wildwood	*10
Maps available for inspection at the Municipal Building, 2600 Bayshore Road, The Villas, New Jersey.				
New Jersey	Stone Harbor, Borough, Cape May County (Docket No. FEMA-6299).	Atlantic Ocean	82nd Street extended 300 feet seaward from its intersection with First Avenue	*14
			96th Street extended 400 feet seaward from its intersection with First Avenue	*14
			111th Street extended 400 feet seaward from its intersection with First Avenue	*14
			122nd Street extended 400 feet seaward from its intersection with Second Avenue	*14
			Terrain along the shoreline southwest of 122nd Street and along Hereford Inlet	*14
			Sand Marsh along the eastern bank of Great Channel, southwest of Ocean Drive	*12
			Intersection of Third Avenue and 122nd Street	*12
			110th Street extended 300 feet seaward beyond its intersection with First Avenue	*11
			88th Street extended 250 feet seaward beyond its intersection with First Avenue	*11
			Intersection of 118th Street and Third Avenue	*10
			Intersection of Golden Gate Road and 104th Street	*10
			Intersection of 100th Street and First Avenue	*10
			Intersection of Second Avenue and 92nd Street	*10
			Intersection of Third Avenue and 82nd Street	*10
Maps available for inspection at the Office of the Borough Clerk, Borough Hall, 9508 Second Avenue, Stone Harbor, New Jersey.				
New Jersey	Sussex, Sussex County (Docket No. FEMA-6299)	Clove Brook	Clove Acres Lake	*429
			Downstream side of Clove Acres Lake Dam	*414
			Downstream side of Newton Avenue	*409
			Downstream side of Loomis Avenue	*407
			Downstream corporate limits	*401
Maps available for inspection at the Office of the Borough Clerk, Municipal Building, Two Main Street, Sussex, New Jersey.				
New Jersey	West Cape May, Borough, Cape May County (Docket No. FEMA-6333).	Delaware Bay	Flooding affecting north-western corporate limits	*9
		Atlantic ocean	From southern corporate limits approximately 100 feet west of First Avenue to Sunset Boulevard	*12
			From southern corporate limits approximately 100 feet west of First Avenue and approximately 340 feet east of Morrison Avenue to the northern corporate limits	*10
			From southern corporate limits approximately 300 feet east of Morrison Avenue and approximately 400 feet west of South Bay Shore Road to Fifth Avenue	*10
Maps available for inspection at the Municipal Building, West Cape May, New Jersey.				
New Mexico	Unincorporated areas of Chaves County (FEMA-6276).	North Berrendo	Just upstream from Atchison, Topeka & Santa Fe Railway	*3543
			Just downstream from U.S. Highways 285 and 70	*3582
		South Berrendo Creek	Just upstream from Berrendo Road	*3555
			Approximately 100 feet upstream from Main Street (U.S. Highways 285 and 70)	*3589
		Rio Hondo	Approximately 400 feet upstream from confluence with South Berrendo Creek	*3510
			Just upstream from State Highway 253	*3514
		Pecos River	Just downstream from State Highway 31	*3390
			Just downstream of confluence of Rio Felix	*3403

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rio Felix.....	Just downstream of Atchison, Topeka & Santa Fe Railway.	*3411
			Just downstream from U.S. Highway 285 Alternate and State Highway 2.	*3420
			Just upstream from State Highway 339.....	*3451
		North Spring River.....	South of College Boulevard at the eastern corporate limits of the City of Roswell.	#2
		South Spring River.....	Just downstream of U.S. Highway 285 Bypass and State Highway 2.	*3560
		Thirteen Mile Draw.....	Just upstream of U.S. Highway 285.....	*3571
		Tumbleweed Draw.....	Approximately 400 feet downstream of State Highway 2.	*3552
			Just upstream of State Highway 285 Alternate.....	*3568

Maps available for inspection at the office of the Chaves County Manager, County Courthouse, Roswell, New Mexico 88201.

New York.....	Cobleskill, Village, Schoharie County (Docket No. FEMA-6218).	Cobleskill Creek.....	Downstream corporate limits.....	*886
			Confluence of Mill Creek.....	*900
			Upstream corporate limits.....	*919
		Mill Creek.....	Confluence with Cobleskill Creek.....	*900
			Upstream of West Main Street.....	*925
			Upstream of North Grand Street.....	*947
			Upstream of Quarry Road.....	*1,014
			Approximately 2,700' upstream of Quarry Road.....	*1,064

Maps available for inspection at the Village Office, Main Street, Cobleskill, New York.

New York.....	Hunter, Town Greene County (Docket No. FEMA-6262).	Schoharie Creek.....	Downstream corporate limits.....	*1,544
			Approximately 3,800' upstream corporate limits.....	*1,570
			Approximately 12,000' upstream corporate limits.....	*1,620
			Confluence of Tributary to Schoharie Creek.....	*1,672
			Abandoned railroad abutments (upstream).....	*1,712
			Confluence with Gooseberry Creek.....	*1,729
			Approximately 2,900' upstream confluence with Gooseberry Creek.....	*1,742
		Stony Clove Creek.....	Downstream corporate limits.....	*1,167
			Approximately 5,000' upstream of downstream corporate limits.....	*1,240
			Lanesville Road (upstream).....	*1,290
			Wright Road (upstream).....	*1,403
			Benjamin Road (downstream).....	*1,500
			Approximately 7,100' upstream Benjamin Road.....	*1,752
		Gooseberry Creek.....	Confluence of Schoharie Creek.....	*1,729
			Bloomer Road (upstream).....	*1,766
			Approximately 3,300' upstream Bloomer Road.....	*1,820
		Sawmill Creek.....	Downstream corporate limits.....	*1,909
			Approximately 350' downstream of upstream corporate limits.....	*1,940

Maps available for inspection at the Town House, Route 23A, Tannersville, New York.

New York.....	Huntington, Town, Suffolk County (Docket No. FEMA-6333).	Long Island Sound.....	From southeastern corporate limits to Village of Asharoken.	*16
		Huntington Bay.....	From Village of Asharoken to confluence of Northport Bay.	*14
			Huntington Harbor from Village of Huntington Bay to approximately 900 feet northeast of Ketewomoke Drive extended.	*12
			Huntington Harbor from approximately 900 feet northeast of Ketewomoke Drive extended to Village of Lloyd Harbor.	*14
		Northport Bay.....	From confluence with Huntington Bay to approximately 450 feet northeast of Birmingham Drive extended.	*14
			From approximately 450 feet northeast of Birmingham Drive extended to Winkle Point Road extended.	*12
			From Winkle Point Road extended to Village of Asharoken.	*14
			From Village of Northport to Village of Huntington Bay...	*14
		Cold Spring Harbor.....	Entire shoreline within the community.....	*12

Maps available for inspection at the Town Hall, 100 Main Street, Huntington, New York.

New York.....	Ocean Beach, Village, Suffolk County (Docket No. FEMA-6333).	Atlantic Ocean.....	Entire shoreline within community.....	*15
		Great South Bay.....	Entire shoreline within community.....	*5

Maps available for inspection at the Village Hall, Ocean Beach, New York.

New York.....	Quogue, Village, Suffolk County (Docket No. FEMA-6333).	Atlantic Ocean.....	Entire shoreline within the community.....	*14
		Quantuck Bay.....	From southern corporate limits to south of Montauk Highway.	*8
			From south of Montauk Highway to northern corporate limits.	*7
		Shinnecock Bay.....	Southern portion of Shinnecock Bay up to approximately 750 feet north of Bay Road extended.	*9
			Shoreline of Quogue Creek from confluence with Shinnecock Bay to Schaeffer Lane (extended).	*9

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Shoreline of Quogue Creek from Schaefer Lane (extended) to confluence with Quontuck Bay.	*8
			From approximately 750 feet north of Bay Road extended to northern corporate limits.	*7
			Entire shoreline of Stone Creek	*7
			Entire shoreline of Phillips Creek	*7
Maps available for inspection at the Village Office, Jessup Avenue, Quogue, New York.				
New York	Smithtown, Town, Suffolk County (Docket No. FEMA-6333).	Long Island Sound	Entire shoreline within the community	*16
Maps available for inspection at the Town Hall, 99 West Main Street, Smithtown, New York.				
New York	Southampton, Village, Suffolk County (Docket No. FEMA-6299).	Shinnecock Bay	Shoreline from approximately 0.07 mile southwest of Meadow Lane (extended) to a point 0.59 mile west of Shinnecock Road (extended).	*9
			Shoreline from a point 0.59 mile west of Shinnecock Road (extended) to a point 0.1 mile south of Boatmans Lane (extended).	*8
			Shoreline from a point 0.1 mile south of Boatmans Lane (extended) to a point approximately 120' south of Hill Street.	*7
		Atlantic Ocean	Entire shoreline within community	*14
Maps available for inspection at the Village Hall, 23 Main Street, Southampton, New York.				
Ohio	(V) Brilliant, Jefferson County (Docket No. FEMA-6299).	Ohio River	At downstream corporate limits	*666
			At upstream corporate limits	*667
Maps available for inspection at the Mayor's Office, Village Hall, 409 Prospect Street, Brilliant, Ohio.				
Ohio	(V) Pataskala, Licking County (Docket No. FEMA-6299).	South Fork Licking River	About 1200 feet downstream of Service Road	*975
			Just downstream of Conrail	*991
			Just upstream of Conrail	*997
			About 2400 feet upstream of State Route 16	*1,016
		Muddy Fork	About 550 feet downstream of County Road 151	*983
			Upstream corporate limit (just downstream of State Route 16)	*1,005
		Pataskala Tributary	Confluence with South Fork Licking River	*997
			Upstream corporate limit (just downstream of Blacks Road)	*1,017
Maps available for inspection at the Clerk Treasurer's Office, Village Hall, 430 South Main Street, Pataskala, Ohio.				
Oklahoma	Town of Alex, Grady County (FEMA-6299).	Washita River	Approximately 800 feet downstream from State Highway 19C.	*1,026
			Approximately 500 feet upstream from State Highway 19C.	*1,027
		Soldier Creek	Approximately 350 feet downstream of the Town of Alex Western Corporate Limits.	*1,029
		Tributary No. 1	Approximately 200 feet upstream of H Avenue	*1,034
			Just upstream of State Highway 19C	*1,045
		Tributary No. 2	Just upstream from H Avenue	*1,027
		Tributary No. 3	Approximately 250 feet downstream from State Highway 19C.	*1,031
Maps available for inspection at Town Hall, 208 Broadway Street, Alex, Oklahoma 73002.				
Oklahoma	Town of Colony, Washita County (FEMA-6299).	Cobb Creek	Approximately 350 feet upstream of State Highway 69 (Seeger Street).	*1,454
			Approximately 200 feet upstream of State Highway 54A.	*1,470
		Tributary No. 1	Just downstream from School Road	*1,456
			Approximately 100 feet downstream of State Highway 69 (Seeger Street).	*1,469
Maps available for inspection at Community Building, Colony, Oklahoma 73021.				
Pennsylvania	Rapho, Township, Lancaster County (Docket No. FEMA-6333).	Little Chickies Creek	Downstream Drager Road	*273
			Upstream Dam	*290
			Upstream Pinkerton Road	*302
			Downstream Bridge Valley Road	*320
			Downstream Mount Joy Road	*327
			Upstream Mount Pleasant Road	*346
		Chickies Creek	Upstream Eby Chiques Road	*328
			Upstream Conrail	*335
			Approximately 200' upstream State Route 283	*350
			Downstream Eriaman Road	*355
			Downstream Lebanon Road	*439
			At confluence of Shearers Creek	*448
		Rife Run	Upstream West Colebrook Road	*400
			Upstream Orchard Road	*410
Maps available for inspection at the Rapho Municipal Building, R.D. 2, Manheim, Pennsylvania.				
Pennsylvania	Snyder, Township, Blair County (Docket No. FEMA-6299).	Little Juniata River	Upstream of Honest Hollow Road	*858
			Upstream of State Route 453 (1st crossing)	*872

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Bald Eagle Creek	Upstream of Plummer Hollow Road.....	*886
			Confluence of Hutchinson Run.....	*906
			Upstream of Conrail.....	*917
			Downstream of Westvaco Bridge.....	*916
			Confluence of Decker Run.....	*941
			Downstream of Old U.S. Route 220 (Legislative Route 57 (55)).	*986
			Confluence of Vanscoyoc Run.....	*1,019
			Downstream of U.S. Route 220.....	*1,045
		Big Fall Run	Upstream of State Route 350 (Legislative Route 524).....	1,056
			Confluence with Bald Eagle Creek.....	*1,048
			Downstream of State Route 350 (Legislative Route 524).....	*1,066
			Upstream of Old U.S. Route 220 (Legislative Route 55).....	*1,085
			Downstream of 1st Private Road.....	*1,121
			Approximately 1,440' upstream of 1st Private Road.....	*1,142
			Upstream of 2nd Private Road.....	1,178
		Decker Run	Confluence with Bald Eagle Creek.....	*941
			Downstream of 1st Private Road.....	*987
			Downstream of 3rd Private Road.....	*1,030
			Approximately 1,340' upstream of 3rd Private Road.....	*1,060
			Approximately 2,720' upstream of 3rd Private Road.....	*1,090
			Upstream of 4th Private Road.....	*1,127
			Approximately 1,490' upstream of 4th Private Road.....	*1,160
		Schell Run	Approximately 4,650' downstream of Township Route 510.....	*967
			Downstream of Township Route 510.....	*1,086
			Approximately 1,945' upstream of Township Route 510.....	*1,146
		Hutchinson Run	Confluence with Little Juniata River.....	*906
			Upstream of Old U.S. Route 220 (Legislative Route 57 (55)).	*911
			Downstream of Private Road.....	*948
			Approximately 2,155' downstream of Township Route 515.....	*1,000
			Upstream of Township Route 515 (55).....	*1,053

Maps available for inspection at the Snyder Township Building, R.D. 3, Tyrone, Pennsylvania.

Rhode Island	Barrington, Town, Bristol County (Docket No. FEMA-6333).	Massachusetts Creek	Entire stream upstream of Washington Road.....	*6
		Brickyard Pond	Entire shoreline.....	*6
		Echo Lake	Entire shoreline.....	*8
		Narragansett Bay	Entire shoreline.....	*20
		Providence River	Entire shoreline.....	*20
		Palmer River	Shoreline from Conrail to northern corporate limits.....	*12
			Shoreline from confluence of Barrington River to Conrail.....	*18
		Warren River	Shoreline from confluence of Narragansett Bay to approximately 350' east of Adams Point Road extended.....	*20
			Shoreline approximately 350' east of Adams Point Road extended to Ferry Lane extended.....	*19
			Shoreline Ferry Lane extended to confluence of Barrington River.....	*18

Maps available for inspection at the Office of the Building Inspector, Town Hall, 283 County Road, Barrington, Rhode Island.

Rhode Island	East Greenwich, Town, Kent County (Docket No. FEMA-6286).	Frenchtown Brook	Downstream Davisville Road.....	*47
			Upstream State Route 4.....	*66
			Upstream South County Trail.....	*91
			Upstream of Adirondack Drive.....	*119
			Upstream of Dam between Adirondack Drive and confluence of Mawney Brook.....	*162
			Upstream of Tillinghast Road.....	*187
			Downstream High Hawk Road.....	*204
			Upstream Trail Road.....	*264
			Upstream Carrs Pond Road.....	*285
			Approximately 575 feet upstream of Carrs Pond Road.....	*300
		Mawney Brook	Upstream of Dam at Tillinghast Road.....	*190
			Upstream of Dam located approximately 2,150 feet downstream of Middle Road.....	*236
			Upstream Middle Road.....	*246
			Upstream of Dam at the Access Road between Middle Road and Division Road.....	*273
			Division Road upstream side.....	*285
		Pierce Road Brook	Boston Post Road upstream side.....	*43
			Maplewood Drive upstream side.....	*47
			Middle Road upstream side.....	*60
			Kent Road upstream side.....	*93
		Maskerchugg River	Confluence with Greenwich Cove.....	*14
			Upstream of downstream dam.....	*34
			Kenyon Avenue upstream side.....	*40
			Sylvan Drive upstream side.....	*60
			Division Street upstream side.....	*70
		East Branch Maskerchugg River	Confluence with Maskerchugg River.....	*42
			Division Street upstream side.....	*68

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Branch Maskerchugg River	At confluence of Maskerchugg River..... Balsam Drive downstream side..... Howland Drive upstream side.....	*40 *68 *83
Maps available for inspection at the Town Hall, East Greenwich, Rhode Island.				
Rhode Island	Newport, City, Newport County (Docket No. FEMA-6299).	Atlantic Ocean	Shoreline from northeastern corporate limits to Brenton Point. Shoreline from Brenton Point to confluence of Narragansett Bay.	*19 *18
		Narragansett Bay	Entire shoreline within the community	*15
Maps available for inspection at the Office of the City Planner, City Hall, Broadway Street, Newport, Rhode Island.				
Rhode Island	North Kingstown, Town, Washington County (Docket No. FEMA-6333).	Annaquatucket River	Upstream of Boston Neck Road..... Upstream of Featherbed Lane..... Upstream of Tower Hill Road (U.S. Route No. 1)..... Upstream of Belleville-pond Dam..... Upstream of Old Railroad Grade (downstream crossing). Approximately 100' downstream of Conrail.....	*22 *29 *42 *49 *60 *81
		Mattatuxet River	Confluence with Pettaquamscutt River..... Upstream of State Route 138..... Upstream of Dam.....	*12 *16 *39
		Quidnessett Brook	Approximately 3,800' downstream of Quidnessett Road.	*13
		Sand Hill Brook	Approximately 1,000' upstream of Quidnessett Road..... Approximately 100' downstream of North Quidnessett Road.	*19 *16
			Upstream of Briarbrook Drive (downstream crossing). Upstream of U. S. Route 1.....	*24 *37
			Approximately 100' downstream of Devils Foot Road.....	*41
		Narragansett Bay	Shoreline from north corporate limits to Quonset Point. Shoreline from Quonset Point to south corporate limits.	*19 *17
		Potowomut River	Shoreline from confluence with Narragansett Bay to approximately 2,200' east of the confluence.	*18
Maps available for inspection at the Department of Planning and Development, Town Hall, 80 Boston Neck Road, North Kingstown, Rhode Island.				
Tennessee	City of Bradford, Gibson County (FEMA-6333)	Town Creek	Just upstream of Illinois Central Gulf Railroad..... Just upstream of State Highway 105 (Main Street).....	*349 *356
Maps available for inspection at City Hall, East Main Street, Bradford, Tennessee 38316.				
Tennessee	Town of Kenton, Gibson & Obion Counties (FEMA-6333).	Carroll Creek	Just upstream of U.S. Route 45W.....	*305
		Unnamed Tributary to Carroll Creek.	Just upstream of Sanderson Street.....	*314
Maps available for inspection at Town Hall, 108 North Poplar, Kenton, Tennessee 38233.				
Tennessee	Town of Milan, Gibson County (FEMA-6333)	Wolf Creek	Just upstream of U.S. Highway 79 (Vanhook Street).....	*391
		Clear Creek	Just upstream of State Route 104 (South 1st Street)..... Just at the confluence with Wolf Creek.....	*395 *396
Maps available for inspection at Town Hall Building, South First Street, Milan, Tennessee 38358.				
Tennessee	City of Trenton, Gibson County (FEMA-6333)	North Fork of Forked Deer River	Just upstream of U.S. Highway 45 Bypass.....	*316
		Cain Creek Tributary	Just downstream of Kellwood Drive..... Just upstream of College Street.....	*330 *343
		North Fork Tributary	Just upstream of U.S. Highway 45W.....	*313
		North Fork Tributary No. 3	Just upstream of County Road.....	*320
Maps available for inspection at City Hall, 309 College Street, Trenton, Tennessee 38382.				
Texas	Village of Dickinson, Galveston County (FEMA-6333)	Bensons Bayou	Just upstream of Deats Road..... Approximately 700 feet upstream of Rodeo Bend Road.	*12 *14
		Bordens Gully	Approximately 200 feet downstream of Spruce Street..... Just downstream of Hughes Lane.....	*12 *14
		Dickinson Bayou	Approximately 800 feet upstream of Highway 3..... Approximately 800 feet upstream of I-45 & 75.....	*11 *12
		Gum Bayou	Just downstream of Highway 646..... Just upstream of FM 517 (Flooding at this location is affected by backwater effects from Dickinson Bayou).	*13 *11
		Magnolia Bayou	Approximately 500 feet upstream of Deats Road.....	*12
		Tributary to Gum Bayou	Approximately 250 feet upstream of Sunset Drive..... Just downstream of the corporate limits.	*14 *13
Maps available for inspection at Village Hall, 2716 1/2 Main Street, Dickinson, Texas 77539.				
Texas	City of La Marque, Galveston County (FEMA-6333)	Lower Highland, Bayou	Just upstream of State highway 6 near the southern corporate limits (Flooding at this location is affected by Coastal Surge from Galveston Bay). Just upstream of Fairwood Road (Flooding at this location is affected by Coastal Surge from Galveston Bay).	*12 *12

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Upper Highland Bayou and Diver- sion Channel.	Just upstream of Old Camp Wallace Road (Flooding at this location is affected by Coastal Surge from Galveston Bay).	*12
		Unnamed Tributary 1	Just downstream of Main Street (FM 519)	*7
		Unnamed Tributary 2	Just downstream of Edna Street	*7
		Unnamed Tributary 3	Just downstream of FM 1,765	*16
		Marchand Bayou	Just upstream of FM 519 (Flooding at this location is affected by Coastal Surge from Galveston Bay).	*12
			Just downstream of Newman Road	*15
Maps available for inspection at City Hall, 322 Laurel, La Marque, Texas 77568.				
Texas	City of Nome, Jefferson County (FEMA-6299)	Cotton Creek	Just upstream of 3rd Street	*42
Maps available for inspection at Mayor Ferguson's Office at the Briggs Motor Comapny, U.S. Highway 90, Southside, Nome, Texas 77629.				
Texas	Town of Pine Forest, Orange County (FEMA-6333)	Ten Mile Creek	Approximately 300 feet upstream of Sugar Hill Road	*15
		Tiger Creek	Just downstream of State Highway 1,131	*17
			Just upstream of southern corporate limits	*14
			Approximately 600 feet upstream of Lake View and Cutoff Roads.	*16
Maps available for inspection at Orange County Commissioners Office, 190 Camp Street, Vidor, Texas 77662.				
Virginia	Cape Charles, Town, Northampton County (Docket No. FEMA-6262)	Chesapeake Bay	Entire shoreline within community	*11
Maps available for inspection at the Municipal Building, Cape Charles, Virginia.				
Virginia	Newport News (Docket No. FEMA-6333)	Chesapeake Bay	Hampton Roads from eastern corporate limits to Small Boat Harbor.	*13
		James River	Entire shoreline of Small Boat Harbor	*10
			From Small Boat Harbor to a point approximately 750' upstream of Museum Parkway (extended).	*13
			From a point approximately 750' upstream of Museum Parkway (extended) to confluence of Fishers Creek.	*12
			Fishers Creek from confluence to a point approxi- mately 780' upstream.	*11
			Fishers Creek from a point approximately 780' up- stream to a point approximately 1,170' downstream of Graham Drive (extended).	*10
			Fishers Creek from a point approximately 1,170' down- stream of Graham Drive (extended) to a point approximately 900' upstream of Madison Lane North.	*9
			From confluence of Fisher Creek to confluence of Deep Creek.	*12
			Deep Creek from confluence to a point approximately 7,680' upstream.	*10
			Deep Creek from a point approximately 7,680' up- stream to a point approximately 210' upstream of Werwick Boulevard.	*9
			From confluence of Deep Creek to Fort Eustis bound- ary.	*12
		Werwick River	From confluence with James River to Digges Drive (extended).	*12
			From Digges Drive (extended) to confluence of Lucas Creek.	*11
			Lucas Creek from confluence to a point approximately 1,100' downstream from Tabbs Lane.	*10
			Lucas Creek from a point approximately 1,110' down- stream from Tabbs Lanes to Gwynn Circle.	*9
			From confluence of Lucas Creek to a point approxi- mately 600' downstream of Hoopes Road (ex- tended).	*11
			From a point approximately 600' downstream of Hoopes Road (extended) to a point approximately 7,260' upstream of Hoopes Road (extended).	*10
			From a point approximately 7,260' upstream of Hoopes Road (extended) to confluence of Stony Run.	*9
			Stony Run from confluence to a point approximately 750' downstream from Lucas Creek Road.	*9
			From confluence of Stony Run to a point approxi- mately 270' upstream of Fort Eustis Boulevard.	*9
		Skiffes Creek	From northern boundary of Fort Eustis to a point approximately 4,530' downstream of the Chessie System Railroad.	*9
Maps available for inspection at the Public Works Department, City Hall, Newport News, Virginia.				
Virginia	Northampton County (Docket No. FEMA-6226)	Atlantic Ocean	From northern corporate limits to a point .16 mile south of corporate limits.	*13
			From a point .16 mile south of corporate limits to a point 9.26 miles south of corporate limits.	*14
			From a point 9.26 miles south of corporate limits to the Chesapeake Bay Bridge/Tunnel at Fishermans Island.	*13
		Chesapeake Bay	From Chesapeake Bay Bridge/Tunnel at Fishermans Island to confluence of Old Plantation Creek.	*11
			Old Plantation Creek From confluence to Hunts Point	*10

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Old Plantation Creek from Hunts Point to a point 5,500 feet upstream of Hunts Point.	*9
			Old Plantation Creek upstream from a point 5,500 feet upstream of Hunts Point.	*8
			From confluence of Old Plantation Creek to confluence of Cherrystone Inlet.	*11
			Cherrystone Inlet from confluence to confluence of Old Castle Creek.	*10
			Cherrystone Inlet from confluence of Old Castle Creek to a point 8,700 feet upstream of Old Castle Creek.	*9
			Cherrystone Inlet upstream of a point 8,700 feet upstream of Old Castle Creek.	*8
			From confluence of Cherrystone Inlet to confluence of the Gulf.	*11
			The Gulf from confluence to a point 3,450 feet upstream of confluence.	*9
			The Gulf upstream of a point 3,450 feet upstream of confluence.	*8
			From confluence of the Gulf to confluence of Barlow Creek.	*11
			Barlow Creek from confluence to a point 4,975 feet upstream of confluence.	*9
			Barlow Creek upstream of a point 4,975 feet upstream of confluence.	*8
			From confluence of Barlow Creek to confluence of Mattawoman Creek.	*11
			Mattawoman Creek from confluence to a point 6,750 feet upstream of confluence.	*9
			Mattawoman Creek upstream from a point 6,750 feet upstream of confluence.	*8
			From confluence of Mattawoman Creek to confluence of Hungars Creek.	*11
			Hungars Creek from confluence to a point 13,225 feet upstream of confluence.	*9
			Hungars Creek upstream from a point 13,225 feet upstream of confluence.	*8
			From confluence of Hungars Creek to confluence of Nassawadox Creek.	*11
			Nassawadox Creek from confluence to a point 3,650 feet upstream of confluence.	*10
			Nassawadox Creek from a point 3,650 feet upstream of confluence to confluence of Church Creek.	*9
			Church Creek upstream from confluence with Nassawadox Creek.	*8
			Nassawadox Creek from confluence of Church Creek to a point 4,350 feet upstream of confluence of Church Creek.	*9
			Nassawadox Creek upstream from a point 4,350 feet upstream.	*8
			Holly Grove Cove.....	*8
			Warehouse Creek.....	*8
			From confluence of Nassawadox Creek to confluence of Occohannock Creek at northern corporate limits.	*11
			Occohannock Creek from confluence to confluence of Johnson Cove.	*10
			Occohannock Creek from confluence of Johnson Cove to Concord Point.	*9
			Occohannock Creek upstream from Concord Point.....	*8

Maps available for inspection at the Department of Planning and Zoning, Northampton County Courthouse, Eastville, Virginia.

Wisconsin.....	(V) Cross Plains, Dane County (Docket No. FEMA-6333).	Black Earth Creek.....	About 200 feet downstream of U.S. Highway 14.....	*859
			About 0.5 mile downstream of Church Street.....	*865
			About 1,500 feet upstream of Church Street.....	*875
		Brewery Creek.....	Just downstream of Main Street.....	*874
			Just upstream of Lewis Street.....	*882
			Just upstream of Valley Street.....	*888
			About 600 feet upstream of Brewery Road.....	*905

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Enchanted Valley Creek.....	Just downstream of U.S. Highway 14.....	*875
			Just upstream of U.S. Highway 14.....	*878
			Just downstream of Brewery Road.....	*890
			Just upstream of Brewery Road.....	*896
			Just downstream of Military Road (near Brewery Road).....	*903
			Just upstream of Military Road(near Brewery Road).....	*910
Maps available for inspection at the Village Hall, 2107 Julius Street, Cross Plains, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29169 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register

Vol. 47, No. 208

Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 82-051]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Live Virus Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: These proposed amendments would revise the Standard Requirements for live virus vaccines by: (a) Deleting the requirement to retest the Master Seeds for immunogenicity every 5 years after the initial 3-year retest, (b) reducing the minimum virus titer required for serial release, and (c) where applicable, deleting unnecessary potency and safety test requirements for release of product before a lot of Master Seed Virus is established.

Current standards for live virus vaccines require that each Master Seed be retested for immunogenicity 3 years after the initial immunogenicity test and every 5 years thereafter. These standards also specify that such vaccines shall have a minimum titer for release. It has been found that in some cases the minimum titer is in excess of the titer actually needed for adequate animal protection. Therefore, these amendments would reduce such titers so that they conform with presently available scientific information.

When the Master Seed principle was instituted, a paragraph (e) was included in the Standard Requirements providing for animal tests of product prior to release until a lot of Master Seed Virus could be established. These amendments would eliminate such animal tests which are no longer necessary.

DATE: Comments must be received on or before December 27, 1982.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed amendment to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, MD 20782.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20784, 301-436-8245.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

The proposed amendments would not have an adverse effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets. These revisions would reduce regulatory requirements.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action would result in a beneficial effect to all licensed producers of live virus vaccines by reducing the number of times the Master Seed Virus must be retested for immunogenicity and by permitting the

production of serials of vaccines with lower titer requirements.

The requirement to periodically requalify the immunogenicity of a Master Seed has been considered necessary until such time as an accumulation of data would support the antigenic stability of Master Seed Viruses over extended periods of storage. Data accumulated over several years have shown that the immunogenicity of the Master Seed is not adversely affected over extended periods of storage. Therefore, the continued retesting of Master Seed Viruses approved by Veterinary Services for host animal immunogenicity is no longer considered necessary and would be deleted. The elimination of such testing would result in a reduction in testing costs to the producer.

Most of the minimum titers now required for release of live virus vaccines were established before the Master Seed concept. Based on data available at that time it was believed that these titers were required along with host animal tests to insure that each serial and subserial of vaccine would retain its effectiveness over long periods of storage and varying conditions of use. These minimum titers were retained when new Standard Requirements providing for release of product under the Master Seed concept were applied.

Results of immunogenicity studies with Master Seeds and stability data that have been accumulated indicate that vaccines can be released with lower titers than required by the current Standard Requirements and still maintain the required efficacy. The lower titer for release of each product would be directly related to the minimum titer used in the initial Master Seed immunogenicity test. This would permit an increased number of doses of vaccine that may be produced from a lot of bulk virus material. This could result in a lower cost of production for some licensees. A virus titer of $10^{2.5}$ is the lowest titer that can consistently be validated. This minimum virus titer would be retained in the Standard Requirements for all applicable products.

When the Master Seed concept was first applied, it was necessary to provide alternate test procedures such as host animal potency and safety tests for the release of serials and subserials of

products until a lot of Master Seed had been fully established in accordance with applicable requirements and the filed Outline of Production. It was expected at the time these requirements were published that licensed firms would establish an acceptable Master Seed. With the completion of such Master Seed Virus testing, these alternate requirements have become unnecessary. Therefore, paragraph (e) is being deleted from the applicable Standard Requirements.

The proposed amendments would in effect relax current Standard Requirements for live virus vaccines.

List of Subjects in CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Section 113.137 would be amended by revising paragraph (c)(4) to read:

§ 113.137 Distemper Vaccine—Mink.

* * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That five of the five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

* * *

Section 113.139 would be amended by revising paragraph (c)(4) to read:

§ 113.139 Feline Panleukopenia Vaccine.

* * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Ten susceptible cats (8 vaccinates and 2 controls) shall be used in the retest. Susceptibility shall be determined in the manner provided in paragraph (c)(1) of this section.

* * *

Section 113.140 would be amended by revising paragraph (c)(4) to read:

§ 113.140 Canine Hepatitis Vaccine.

* * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Ten susceptible dogs (8 vaccinates and 2 controls) shall be used in the retest. Susceptibility shall be

determined in the manner provided in paragraph (c)(1) of this section.

* * *

Section 113.141 would be amended by revising paragraph (c)(4) to read:

§ 113.141 Canine Distemper Vaccine, Ferret Avirulent.

* * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Ten susceptible dogs (8 vaccinates and 2 controls) shall be used in the retest. Susceptibility shall be determined in the manner provided in paragraph (c)(1) of this section.

* * *

Section 113.141 would be amended by revising paragraph (c)(4) to read:

§ 113.142 Canine Distemper Vaccine, Ferret Virulent.

* * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That five of five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

* * *

Section 113.143 would be amended by revising paragraphs (b)(5) to read:

§ 113.143 Encephalomyelitis Vaccine, Venezuelan.

* * *

(b) * * *

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and two controls need to be used in the retest; *Provided*, That five of five vaccinates and the two controls shall meet the criteria in paragraph (b)(4) of this section.

* * *

Section 113.144 would be amended by revising paragraph (c)(9) and (d)(3) to read:

§ 113.144 Bovine Parainfluenza, Vaccine.

* * *

(c) * * *

(9) The Master Seed Virus shall be tested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That five of five vaccinates and at least four of the controls shall meet the criteria

prescribed in paragraph (c)(6) of this section.

* * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer or vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall be a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ TCID₅₀ per dose.

* * *

Section 113.145 would be amended by revising paragraphs (c)(8) and (d)(3) to read:

§ 113.145 Bovine Rhinotracheitis Vaccine.

* * *

(c) * * *

(8) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That five of five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraphs (c) (5) and (6) of this section.

* * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer or vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall be a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ TCID₅₀ per dose.

* * *

Section 113.145 would be amended by revising paragraphs (c)(7) and (d)(3) to read:

§ 113.146 Bovine Virus Diarrhea Vaccine.

* * *

(c) * * *

(7) The Master Seed Virus shall be tested for immunogenicity in 3 years unless use of the lot previously tested is

discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That five of five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraphs (c)(4) and (c)(5) of this section.

(d) ***

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ TCID₅₀ per dose.

Section 113.148 would be amended by revising paragraphs (c)(6) and (d)(2) to read:

§ 113.148 Measles Vaccine.

(c) ***

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That five of five vaccinates and at least four of the controls shall meet the criteria prescribed in this section.

(d) ***

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ ID₅₀ per dose.

Section 113.149 would be amended by revising paragraphs (c)(4) and (d)(2) to read:

§ 113.149 Feline Calicivirus Vaccine.

(c) ***

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Either 10 vaccinates and 6 controls or 5 vaccinates and 3 controls shall be used in the retest.

(d) ***

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ TCID₅₀ or plaque forming units per dose.

Section 113.150 would be amended by revising paragraphs (c)(4) and (d)(2) to read:

§ 113.150 Feline Rhinotracheitis Vaccine.

(c) ***

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Either 10 vaccinates and 6 controls or 5 vaccinates and 3 controls shall be used in the retest.

(d) ***

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ TCID₅₀ or plaque forming units per dose.

Section 113.160 would be amended by removing paragraph (e) and by revising paragraph (c)(5) to read:

§ 113.160 Avian Encephalomyelitis Vaccine.

(c) ***

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(4) of this section.

Section 113.161 would be amended by removing paragraph (e) and by revising paragraph (c)(5) to read:

§ 113.161 Avian Pox Vaccine.

(c) ***

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(4) of this section.

Section 113.162 would be amended by revising paragraph (c)(4) to read:

§ 113.162 Bronchitis Vaccine.

(c) ***

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

Section 113.163 would be amended by removing paragraph (e) and by revising paragraph (c)(6) to read:

§ 113.163 Fowl Laryngotracheitis Vaccine.

(c) ***

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraphs (c)(4) and (5) of this section.

Section 113.164 would be amended by removing paragraph (e) and by revising paragraphs (c)(5) and (d)(3) to read:

§ 113.164 Newcastle Disease Vaccine.

(c) ***

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(4) of this section.

(d) ***

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ EID₅₀ per dose.

Section 113.166 would be amended by removing paragraph (e) and by revising paragraph (c)(4) to read:

§ 113.166 Bursal Disease Vaccine.

(c) ***

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years from the original testing unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

[37 Stat. 832-833; 21 U.S.C. 151-158]

Done at Washington, D.C., this 21st day of October 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-29515 Filed 10-20-82; 8:45 am]

BILLING CODE 3410-34

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[EDR-448; Econ. Regs. Docket 41034]

Tariffs; Removal of Requirements for Statements of Fares or Rates Based Upon Units of Distance or Time

Dated: October 7, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to remove tariff requirements for statements of fares or rates based upon units of distance or time. These provisions appear to be unnecessary, since the Board now encourages innovation in carrier pricing methods. The change is proposed at the Board's own initiative to remove superfluous regulation.

DATES: Comments by: December 13, 1982. Reply comments by: December 28, 1982.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: November 12, 1982.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41034, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Thomas G. Moore, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5401, or Joanne Hitchcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: 14 CFR Part 221 currently contains rules concerning the manner in which carriers file statements of passenger fares or rates, specifically prohibiting fare or rate calculations on a time basis, and expressly setting out the methods for fare or rate calculations on a mileage basis.

Section 221.55, *Time, fares, rates, or charges*, prohibits carriers from filing statements of rates, fares or charges that apply per unit of time. The current language dates from the rulemaking in ER-1125 (44 FR 33056, June 8, 1979), which amended Part 221 to exempt air carriers from the requirement of filing tariffs for charter flights, and eliminated provisos to § 221.55 that allowed charter rates or charges to be stated to apply per unit of time under limited circumstances.

Section 221.54 permits carriers to file statements of fares or charges by mileage, in one of three ways: the tariff may show the applicable distance from

each point of origin to each point of destination; the tariff may make reference by CAB numbers to a separate mileage or distance guide, as set out in § 221.106; or, reference may be to the mileage publication of the International Air Transport Association, to that of the Department of Commerce, Coast and Geodetic Survey Publication No. 238, or to the Book of Official CAB Airline Route Maps and Airport to Airport Mileages published by the Air Transport Association of America. Additionally, this section states that point-to-point fares or rates take precedence over mileage fares or rates when both are published for the same transportation.

These provisions lost much of their usefulness with the elimination of charter tariffs (ER-1125), because many of the statements of fares and rates based on time and mileage were filed by carriers for charter operations. Carriers now file fare and rate tariffs solely for their scheduled operations, and most of these state fares and rates to apply on a point-to-point basis. The Board's authority to require tariff filings related to fares and rates for interstate and overseas air transportation will cease on January 1, 1983, although such filings will still be required for international air transportation.

The Board has tentatively concluded that it generally no longer needs to restrict the way that carriers compute or state their fares, and that these sections therefore should be revoked. Under this proposal, carriers would in most cases be permitted to file tariffs that state fares or rates by any reasonable methods. The Board would retain the power to alter, suspend, or reject any fare or rate tariff for foreign air transportation that appeared to be unjust or unreasonable. By Order 82-9-11, the Board required IATA carriers to file fares for through travel to interior points as through fares from origin to interior destination. This should be construed as an unusual circumstance in which the Board found itself obliged to prescribe a reasonable method of fare computation. We do not anticipate doing so frequently in the future.

Regulatory Flexibility Act

In accordance with 5 U.S.C. § 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. Commuter carriers are largely exempt from the tariff filing requirements of section 403 of the Act, including those which are the subject of this rulemaking (14 CFR 298.11(b)).

List of Subjects in 14 CFR Part 221

Air rates and fares, credit, Explosives, Freight, Handicapped.

PART 221—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 221, *Tariffs*, as follows:

§ 221.52 [Amended]

1. In § 221.52, paragraph (c), *Territorial; application of time or distance rates, or fares*, would be removed. Also in § 221.52, Paragraph (d) would be redesignated as paragraph (c).

§ 221.54 [Amended]

2. Section 221.54, *Distance fares, rates, or changes*, would be removed and reserved.

§ 221.55 [Amended]

3. Section 221.55, *Time fares, rates, or changes*, would be removed and reserved.

§ 221.106 [Amended]

4. Section 221.106, *Mileage or distance guide*, would be removed and reserved.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-29546 Filed 10-20-82; 8:45am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[EE-52-78]

Qualified Joint and Survivor Annuity

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to qualified joint and survivor annuities required to be provided under certain retirement plans. Changes to the present regulations are being made to conform them to *BBS Associates, Inc. v. Commissioner of Internal Revenue*, 74 T.C. 1118 (1980), *aff'd* No. 80-2851 (3d Cir. July 29, 1981) and to simplify them. The regulations would affect sponsors of, administrators of, and participants in certain retirement plans.

DATES: Written comments and requests for a public hearing must be delivered or

mailed by December 27, 1982. The regulations are generally effective for plan years beginning after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE-52-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William D. Gibbs of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(11) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to *BBS Associates, Inc. v. Commissioner of Internal Revenue*, 74 T.C. 1118 (1980), *aff'd* No. 80-2851 (3d Cir. July 29, 1981) and to simplify them. These regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Qualified Joint and Survivor Annuity

Section 401(a)(11) provides that if a trust provides for the payment of benefits in the form of an annuity, such trust must provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity in order for the trust to be qualified under section 401.

The existing regulations under section 401(a)(11) interpret this provision to require a plan offering a life annuity benefit as a benefit option to provide that the automatic form of benefit payment be a qualified joint and survivor annuity.

The Tax Court and the Court of Appeals for the Third Circuit rejected the Service's interpretation in *BBS Associates, Inc. v. Commissioner of Internal Revenue*, 74 T.C. 1118 (1980), *aff'd* No. 80-2851 (3d Cir. July 29, 1981). The court held that section 401(a)(11)(A) and 401(a)(11)(E) do not require that the automatic form of benefit distribution be a qualified joint and survivor annuity merely because a plan offers a life annuity as an optional form of benefit. The court also held that *Example 1* of § 1.401(a)-11(a)(3), which illustrated the Service's position, was invalid.

In notice 82-4, 1982-8 I.R.B. 36, the Service stated that it would not file a petition for a writ of certiorari in the *BBS* case and that the invalidated regulations would be amended.

This notice of proposed rulemaking conforms § 1.401(a)-11 to the *BBS* decision. The proposed regulations require that, in order for a plan to qualify under section 401(a), if the plan offers benefits payable as a life annuity, such life annuity benefits must be paid in the form of a qualified joint and survivor annuity unless the participant elects otherwise.

Approval of Benefit Options

The court also held in the *BBS* decision that section 401(a)(11) was not violated by a plan provision requiring administrative committee consent before forms of benefit payment other than a lump sum could be elected. The proposed regulations clarify that such a procedure is permissible. However, it is made clear that such a procedure can not result in the denial of benefit payments required by section 401(a)(11). The regulations illustrate a method whereby a plan may use an administrative committee and satisfy the requirements of section 401(a)(11).

Changes to Simplify Administration

The proposed changes to the regulations under section 401(a)(11) also include several changes that are intended to ease the administrative burdens of complying with the joint and survivor annuity requirements.

The regulations require the plan administrator to provide certain information to participants concerning their ability to elect out or a joint and survivor annuity and to elect an early survivor annuity. The proposed amendments make it clear that it is permissible to provide this information by posting it, as opposed to mailing or hand delivering it to individual plan participants.

The regulations currently allow defined contribution plans to satisfy the requirement that election of an early survivor annuity be permitted by automatically paying a survivor benefit equal to the vested portion of the account balance. The proposed amendments allow defined benefit plans to adopt a similar procedure if the plan pays a survivor benefit equal to the present value of the vested benefit.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner has determined that this proposed regulation is not a major regulation for purposes of

Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*.

Drafting information

The principal author of these proposed regulations is William D. Gibbs of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.401-0-1.425-1

Income taxes, Employee benefit plan, Pensions, Stock options, Individual retirement accounts, Employee stock ownership plans.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Section 1.401(a)-(11) is amended by—
1. Striking out in paragraphs (a)(1), (i), (ii) and (iii) "such benefits" and inserting in lieu thereof "life annuity benefits".

2. Revising paragraph (a)(3) *Example* (1).

3. Revising paragraph (c)(2)(i)(C).

4. Revising the first two sentences of paragraph (c)(3)(ii).

5. Revising paragraph (d)(1) and adding a new paragraph (d)(5).

These revised and added provisions read as follows:

§ 1.401 (a)-11 Qualified joint and survivor annuities.

(a) *General rule*—* * *

(3) *Illustrations* * * *

Example (1). The X Corporation Defined Contribution Plan was established in 1960. As in effect on January 1, 1974, the plan provided that, upon his retirement, a participant could elect to receive the balance of his individual account in the form of (1) a lump-sum cash payment, (2) a lump-sum distribution consisting of X Corporation stock, (3) five equal annual cash payments, (4) a life annuity, or (5) a combination of options (1) through (4). The plan also provided that, if a participant did not elect another form of distribution, the balance of his individual account would be distributed to him in the form of a lump-sum cash payment upon his retirement. Assume that section 401(a)(11) and this section became applicable to the plan as of its plan year beginning January 1, 1978, with respect to persons who were active participants in the plan as of such date (see paragraph (f) of this section). If the X Corporation Defined Contribution Plan continues to allow the life annuity payment option, it must be amended to provide that if a participant elects a life annuity option the life annuity benefit will be paid in a form having the effect of a qualified joint and survivor annuity, except to the extent that the participant elects another form of benefit payment. However, the plan can continue to provide that, if no election is made, the balance will be paid as a lump-sum cash payment. If the trust is not so amended, it will fail to qualify under section 401(a).

(c) *Elections*. * * *

(2) *Election of early survivor annuity*—(i) *In general*. * * *

(C) A plan is not required to provide an election under this subparagraph if—

(1) The plan provides that an early survivor annuity is the only form of benefit payable under the plan with respect to a married participant who dies while employed by an employer maintaining the plan,

(2) In the case of a defined contribution plan, the plan provides a survivor benefit at least equal in value to the vested portion of the participant's account balance, if the participant dies while in active service with an employer maintaining the plan, or

(3) In the case of a defined benefit plan, the plan provides a survivor benefit at least equal in value to the present value of the vested portion of the participant's accrued benefit (determine immediately prior to death), if the participant dies while in active service with an employer maintaining the plan. Any present values must be determined in accordance with actuarial assumptions or factors specified in the plan.

(3) *Information to be provided by plan administrator*. * * *

(ii) The method or methods used to provide the information described in subdivision (i) of this subparagraph may vary. Posting which meets the requirements of § 1.7476-2(c)(1) may be used; see § 1.7476-2(c)(1) for examples of other methods which may be used. * * *

(d) *Permissible additional plan provisions*—(1) *In general*. A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it contains one or more of the provisions described in paragraph (d) (2) through (5) of this section.

(5) *Benefit option approval by third party*. (i) A plan may provide that optional forms of benefit payment elected by a participant are subject to the approval of an administrative committee or similar third party. However, the administrative committee cannot deny a participant any of the benefits required by section 401(a)(11). For example, if a plan offers a life annuity option, the committee may deny the participant a qualified joint and survivor annuity only by denying the participant access to all life annuity options without knowledge of whether the participant wishes to receive a qualified joint and survivor annuity. Alternatively, if the committee knows which form of life annuity the participant has chosen before it makes its decision, the committee cannot withhold its consent for payment of a qualified joint and survivor annuity even though it denies all other life annuity options.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. Plan M provides that the automatic form of benefit payout will be a single sum distribution. The plan also permits, subject to approval by the administrative committee, the election of several optional forms of life annuity. On the election form that is reviewed by the administration committee the participant indicates whether any life annuity option is preferred, without indicating the particular life annuity chosen. Thus, the committee approves or disapproves the election without knowledge of whether a qualified joint and survivor annuity will be elected. The administrative committee approval provision in Plan M does not cause the plan to fail to satisfy this section. On the other hand, if the form indicates which form of life annuity is preferred, committee disapproval of any election of the qualified joint and survivor

annuity would cause the plan to fail to satisfy this section.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-29548 Filed 10-26-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF INTERIOR

Minerals Management Service

30 CFR Parts 211, 221, 231, 250, and 270

Decision Not To Propose Rulemaking To Require the Designation of an Operator of Record and the Implementation of a Single Payor Plan for Each Lease

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Decision not to propose rulemaking.

SUMMARY: On June 22, 1982 (47 FR 26856), the Minerals Management Service (MMS) sought comments on the concepts of an operator of record and a single payor plan for each lease, both recommendations of the Commission of Fiscal Accountability of the Nation's Energy Resources. MMS received 41 responses to this notice. Because of the comments and for other considerations, MMS has decided not to propose rulemaking on these two items.

FOR FURTHER INFORMATION CONTACT: Orie L. Kelm, Deputy Associate Director for Royalty Management (703) 860-7511.

SUPPLEMENTARY INFORMATION: After reviewing the comments and considering other material that has been developed, the Minerals Management Board of MMS has reached the following conclusions concerning these two proposed items:

"Operator of Record"

Comments received by MMS pointed out a number of substantial legal and administrative problems that need further research before a decision can be made whether to proceed with a proposed operator of record. Therefore, MMS does not propose to issue a rulemaking on the operator of record concept at this time.

Further study will be undertaken by MMS prior to final determination on how the operator of record concept could best be implemented.

"Single Payor Plan for Each Lease"

MMS feels that the establishment of the payor information form/subaccount system as part of the new Auditing and

Financial System, now being established as the permanent royalty collection system, meets the goals of this specific recommendation. Therefore MMS does not propose to proceed with any other type of payor plan process.

List of Subject in 30 CFR Parts 211, 221, 231, 250, and 270

Minerals royalty accounting.

Dated: October 22, 1982.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 82-29520 Filed 10-2-82; 8:45 am]

BILLING CODE 4310-MR-M

VETERANS ADMINISTRATION

38 CFR Part 3

Claims Based Upon Ionizing Radiation Exposure

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) proposes three regulations to comply with an order of the United States District Court for the District of Columbia. The proposed regulations consist of the texts of three internal Agency documents which were previously ruled invalid by the court, but have now been ordered published for public notice and comment. They relate to veterans' disability claims based upon alleged ionizing radiation exposure in service. VA believes that none of the three documents is regulatory in nature, and is appealing the court order compelling this publication. The regulations may be subject to rescission following appellate review of the underlying litigation.

DATE: Comments must be received on or before January 25, 1983. We propose to make these regulations effective date of final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 4, 1983. Any person visiting Central Office for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to a VA field station will be informed that the records are available for inspection

only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT:

A. J. Mullen, Veterans Administration, Office of General Counsel (021E), 810 Vermont Ave., N.W., Washington, DC 20420, (202) 389-3088.

SUPPLEMENTARY INFORMATION: These three proposed regulations are being published to comply with a court order in the case of *Gott v. Nimmo*, No. 80-0906 (D.D.C., Memorandum Order Sept. 7, 1982). For an account of the background of the documents and the course of this litigation, the reader is referred to the supplementary information accompanying the publication in the Federal Register of a proposed VA regulation, 38 CFR 3.161, on May 20, 1982. See 47 FR 21858 (1982). As discussed therein, use of all three of the challenged documents was terminated following the court's order of September 30, 1981, which declared them invalid.

As noted above, an appeal of *Gott v. Nimmo* is now pending before the United States Court of Appeals for the District of Columbia Circuit. Not only is VA advancing the argument that the three documents in question are not such as to be required to be promulgated as proposed regulations, but the DNA (Defense Nuclear Agency) is also challenging the district court's order requiring rulemaking on the methodologies by which it determines ionizing radiation dosages for military participants in nuclear weapon tests. See 47 FR 21853 (1982). The basic position of the Government in this litigation is that the materials on which the district court has ordered rulemaking constitute mere informational guidance to agency personnel, and are not rules which substantively bind decisionmaking on veterans' disability claims.

The regulations proposed herein are the verbatim texts on the three VA documents invalidated by the district court by its order of September 30, 1981, modified to conform with format requirements of the Federal Register. Because they have been out of use for some time, they may contain some outdated material. Following review of comments received in response to this publication, they will be revised as required. The proposed regulations, which would be added as §§ 3.162, 3.163, and 3.164 to Title 38, Code of Federal Regulations, are set forth below. It is again emphasized that these proposed regulations are being published solely to comply with the court order. Should the Government

position in this litigation be upheld on appeal, these documents will be withdrawn.

The Administrator hereby certifies that these proposed rules, if promulgated, would not have a significant economic impact, in terms of compliance costs, paperwork and recordkeeping, or any other regulatory burden, on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these regulations would affect only individuals applying for VA disability benefits. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these proposed regulation changes are nonmajor for the following reasons:

(1) They will not have an effect on the economy of \$100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program number is 64.109)

Approved: October 19, 1982.

Robert P. Nimmo,
Administrator.

PART 3—ADJUDICATION

The Veterans Administration is proposing to amend 38 CFR Part 3 as follows:

Sections 3.162, 3.163, and 3.164 are added to read as follows:

§ 3.162 Joint Department of Defense and Veterans Administration memorandum of understanding on investigation of ionizing radiation injury claims from veteran atmospheric nuclear weapons tests participants.

(a) *Purpose and scope.* The purpose of this memorandum of understanding is to formalize and improve existing procedures to ensure the most complete investigation of veterans' ionizing radiation injury claims. The procedures agreed upon herein will apply to administrative claims for medical care, disability compensation, or survivor

benefits that are filed with the Veterans Administration (VA) by eligible veterans (or by survivors on behalf of eligible veterans) who were participants in the U.S. atmospheric nuclear weapons testing program, 1945-1952, and who allege injury, disease process, or death resulting from exposure to nuclear-test-related ionizing radiation.

(b) *General.* Although the VA and the Department of Defense (DOD) have cooperated intimately for over a year in developing background detail for veterans claims, it is apparent that we are now in a position to do more, particularly in cases for which no recorded radiation dosage is available. Within the past few months, several methodologies for dose reconstruction have been developed and refined, and in a number of cases these methodologies have provided the VA with valuable supporting information. Subsequently, VA-DOD planning conferences on May 29 and June 5, 1979, developed the key elements of this memorandum of understanding.

(c) *Policy.* The VA will determine the critical elements of information necessary to support each case. The DOD will thoroughly research each case to develop as much as possible the information needed.

(d) *Implementation.* The VA and the Defense Nuclear Agency (DNA) will issue implementing instructions necessary to insure the accomplishment of the general provisions in this agreement.

(e) *Responsibilities and procedures.*

(1) VA. Requests for information originating at Regional Offices (RO) will be reviewed by the Compensation and Pension Service (C&P Service). C&P Service will:

(i) Select cases that are within the scope of this agreement.

(ii) Determine critical information needed to support each claim.

(iii) Determine the VA priority for DOD development of necessary information (IMMEDIATE/PRIORITY/ROUTINE).

(iv) Prepare a request for information using Appendix A to this section as a guide to provide all available information that may be helpful to DOD researchers.

(v) Forward each request, through the VA Records Development Division, to the appropriate Military Service action office, with information copy to DNA. Appropriate addresses are listed in Appendix B to this section.

(2) *DOD.* Action offices for this program are part of DOD Nuclear Test Personnel Review (NTPR) Teams in each Military Service. Action offices will:

(i) Thoroughly research each referred case according to priorities established by C&P Service.

(ii) Reconstruct a range of probable exposures for the claimant if required. If existing methodologies are inappropriate, develop new methodology, individually research each case, and/or develop alternative items of information which may be helpful in adjudicating each claim.

(iii) Respond directly to the VA Records Development Division (Appendix B), with information copy to DNA. In cases where unavoidable delay is anticipated, provide interim notice with reason and projected completion date.

(iv) In extreme cases where no helpful information can be provided, respond accordingly with appropriate explanation.

(v) Requests within the scope of this program received directly from VA RO's will be forwarded to C&P Service for processing.

(f) *Principles of operation.* (1) Radiation dosage reconstruction or calculation will be requested only when absolutely necessary, and not in cases where service-connection can be logically established using other means (such as disease process trends in medical records, available film badge readings, etc.).

(2) Radiation dosage reconstruction or calculation will be requested only for claimed disabilities that may eventually be attributable to nuclear-test-related ionizing radiation exposure, e.g., selected types of cancer. In cases of doubt, C&P Service should request dose reconstruction. Any disagreement by Military Service action offices should be brought to the attention of DNA for resolution with C&P Service.

(3) Priorities will be established according to the urgency of need of the claimant.

(4) Examples of critical information that is considered appropriate for development through this program are verification of test participation, recorded dosage, reconstruction or calculation of possible exposure range, and description of individual or unit activities at the test site.

(g) *Dosage reconstruction.* (1) DNA, through one of its contractors, is calculating probable exposure ranges for selected atmospheric test participant groups. As these are completed, DNA will distribute the results (with recommended limiting factors on use) to VA (C&P Service) and Military Service action offices for general use.

(2) Other dose estimation methodologies are in current use or

being developed by the Navy NTPR Team and the Army NTPR Team; and it is expected that others will be developed during execution of this program. As calculations of probable exposure ranges are completed for specified groups/units/ships, these will be distributed to other interested action offices and C&P Service (with appropriate limiting factors) for general use.

(h) *Updating of previous claims.* By previous verbal agreement, VA C&P Service is gathering available personnel identification data on all previously investigated claims within the purview of this agreement. VA C&P Service will assign priorities to each of these claims and send them to DNA who will distribute to Military Service action offices. Recorded radiation doses will be checked by action offices with current, updated radiation dosimetry files. The remainder that require dosage reconstruction or other information will be processed by action offices according to the provisions of this memorandum, except that replies will be sent directly to C&P Service, Attn: 211C.

Appendix A to § 3.162

Personnel Identification Form

[To Accompany VA Requests for Information]

Note.—All available information will be helpful. Information generally considered to be critical is identified by (*).

Note to users.—Disclosure of this information to unauthorized users could result in prosecution under the provisions of the Privacy Act of 1974.

*VA priority _____
(Immediate, priority, routine)

Participant Identification Information

VA claim number _____

*Name (Last) (First) (Middle) _____

Sex: M F _____

Social security number _____

*Telephone (Area Code) (Number) _____

Birthdate (Month/Day/Year) _____

*Address _____
(Number or P.O. Box) (Street) (Apt.) _____

(City) (State) (ZIP) _____

*Armed Service _____

Rank (at time of test) _____

*Service number(s) _____

Place of birth (City) (State) _____

Claimant Identification Information

[If Different From Participant]

Relation to participant _____

Name (Last) (First) (Middle) _____

Sex: M F _____

Telephone (Area Code) (Number) _____

Address (Number or P.O. Box) (Street) (Apt.) _____

(City) (State) (ZIP) _____

Test Participation Information

Test series name(s) _____

Shot name(s) _____

Shot dates(s) _____

*Date(s) present at test site(s) _____

*Test location(s) _____

Dosimeter(s), Film Badge(s) issued? Yes
No Worn? Yes No

*Unit/ship (home station) _____

*Unit/ship (at test site) _____

*Description of activities/participation _____

Participant Status and Claim Information

Deceased? Yes No
Cause of death _____

Year _____

Benefit(s) claimed _____

Alleged service-connected injury, disease
process, or cause of death _____

VA diagnosis _____

Other diagnosis and source _____

*Location of medical
record _____

*Specific research or information requested
from DOD _____

*Specific research or information already re-
quested from other sources, e.g., _____
REECo. _____

Appendix B to § 3.162

Addresses

[Action Organizations and Monitoring
Offices]

Army Action Office

DAAG-AMR-S, TAGO, Attn: ANTPR,
Forrestal Building, Room GAO 76,
Washington, D.C. 20314, Phone: (202) 693-
1847

Navy Action Office

Navy NTPR, Commonwealth Building, Room
756, 1300 Wilson Boulevard, Arlington, VA
22209, Phone: (202) 697-1890/1904/1909

Air Force Action Office

HQ, USAF/SGES, Attn: AFNTPR, Bolling Air
Force Base, Washington, D.C. 20332, Phone:
(202) 767-5078

Marine Corps Action Office

Commandant of the Marine Corps, Code
MSRB-60, HQ, USMC, Washington, D.C.
20380, Phone: (202) 694-8161

VA Request Processing Office

Veterans Administration, Records
Development Division (231C),
Administrative Service, 810 Vermont
Avenue, N.W., Washington, D.C. 20420

VA C&P Service

Veterans Administration, Director for Field
Services (212), Compensation and Pension
Service, 810 Vermont Avenue, N.W.,
Washington, D.C. 20420, Phone: (202) 389-
3982/3909/3976

DNA Monitoring Office

HQ, Defense Nuclear Agency, NTPR
Coordinator, Room 165, Washington, D.C.
20305, Phone: (202) 325-7064/0459/7744

§ 3.163 Rating practices and procedures— disability—ionizing radiation exposure.

(a) *Claims alleging disabilities attributed to exposure to ionizing radiation.* (1) For some time, claims have been received in which it is alleged that disabilities have resulted from veterans' exposure to ionizing radiation during service through their participation in atmospheric testing of nuclear devices.

(2) Some 200,000 U.S. military personnel participated in the atmospheric testing of nuclear weapons in Nevada and the South Pacific between 1945 and 1962. Since the Limited Test Ban Treaty of 1963, all U.S. tests have been underground.

(3) This testing and the resultant health hazard were discussed in a recent comprehensive study of the health effects of ionizing radiation by representatives of several executive agencies, including the VA, HEW, DOD, DoE, DoL, EPA and NRC. The findings are contained in the "Report of the Interagency Task Force on the Health Effects of Ionizing Radiation," June 1979. The Interagency Task Force (hereinafter referred to as "ITF") reported that an estimated 43% of the test participants received no exposure to ionizing radiation as a result of their participation; 87% received less than 1 rem of external radiation; 97% less than 3 rem, and over 99% less than 5 rem. It should be pointed out that these estimates are based upon external film badge reading of participants.

(4) Although film badge readings are available for a large number of participants, not every participant was badged. In some cases, for units in which individuals operated in close proximity to each other (e.g., a ship's crew, an infantry squad), a representative sample of the unit was badged. In general, this was done for

units which were not expected to be exposed to significant radiation. Individual badging was generally carried out for persons expected to be exposed to higher levels of radiation.

(5) The badges measured external gamma and high energy beta radiation, as these were the types of greatest concern. They did not measure direct neutron radiation, to which few, if any, participants were exposed. Nor did the badges measure low energy beta, which would not penetrate the badge covering (just as it would not penetrate clothing or skin). Finally, the badges did not measure any dose commitment that may have occurred from inhalation or ingestion of radioactive particles. All research and analysis to date indicate that there is little likelihood that test participants inhaled or ingested any significant amounts of radiation; however, additional studies are underway, and the possibility should not be entirely discounted.

(6) Film badges and dosimeters were subject to errors that should be taken into account in assessing dose received. An error factor of $\pm 20\%$ is generally recognized as reasonable for the badges and dosimeters used at that time, and as high as $\pm 50\%$ in some instances.

(b) *Health effects of ionizing radiation*
(1) *Acute somatic effects.* Individuals exposed to high levels and rates of ionizing radiation may experience acute somatic effects within days or weeks after exposure. The ITF reported that single, whole-body doses of over 100 rem can affect bone marrow cells and cells lining the intestinal tract, causing such effects as anemia, hemorrhage, infections, nausea and diarrhea. High doses were also said to cause neural cell damage. Chromosomal damage occurs at lower dose levels, as well as high doses.

(2) *Late somatic effects.* (i) Although there are little positive data on the health effects of low-dose radiation, some negative data (Japanese atom bomb survivors, studies of background radiation) do exist. The failure to show positive results in these studies is attributed to the small sample sizes, since large samples are needed to reveal the relatively infrequent effects expected at low doses.

(ii) A recent study by the Center for Disease Control, reported in the *Journal of the American Medical Association* issue of October 3, 1980, noted preliminary findings indicating that nine cases of leukemia have occurred among 3,224 participants in military maneuvers during the 1957 nuclear test explosion "Smoky." This figure represents a statistically significant increase over the expected incidence of 3.5 cases in a

population of that size. Film badge data for eight of the leukemia victims were available, with gamma doses ranging from zero to 2,977 mrem. Mean gamma dose among the eight cases was 1,167 mrem. The report noted that the dosage data were of uncertain accuracy, since the film badges may have been worn at other tests in addition to Smoky and they recorded only external (gamma and beta) radiation without measuring possible internal exposure or neutron radiation. Further, the authors cautioned that inherent weaknesses of the study, such as the relatively small number of cases involved, make it difficult to draw useful conclusions as to the relationship between radiation exposure and subsequent health problems. Thus far, the authors have failed to note increased mortality from any form of cancer other than leukemia. A much larger group of former test participants is the subject of an extensive, Government-funded morbidity/mortality study currently being undertaken by the National Academy of Sciences.

(iii) Current estimates of low-dose health effects are based on studies of medical exposure, as well as the Japanese atom bomb survivors.

(iv) Cancer is the major disease associated with radiation exposure. Certain sites (e.g., blood-forming tissue, female breast) appear more sensitive, but other tissues also are shown to be at increased risk. It is not unlikely that eventually all tissue may be shown to be subject to radiocarcinogenesis.

(v) Various types of cancer have been linked to radiation by epidemiological studies conducted among persons exposed to atom bomb radiation and fallout, persons exposed to diagnostic or therapeutic radiation, and persons exposed to radiation in their occupations.

(A) The following cancers show strong associations:

Leukemia (except chronic lymphatic leukemia)
Thyroid
Female breast
Lung
Bone
Liver
Skin

(B) The following cancers show associations that appear meaningful but are less striking:

Lymphoma (including multiple myeloma)
Stomach
Esophagus
Bladder
Brain
Salivary gland
Colon
Rectum

(C) The following cancers show suggestive but unconfirmed associations:

Uterus
Cervix
Kidney
Pancreas
Small intestine

(D) The ITF acknowledged that ongoing and proposed research will permit a more definitive listing of late somatic effects of low-level ionizing radiation.

(vi) There are no distinguishable pathological features of the cancers induced by radiation from which they may be differentiated from cancers due to "natural" factors. It is thus impossible to say with *certainly* whether such a disease would have occurred regardless of the radiation exposure.

(vii) In the absence of acceptable hard data on the latent effects of low level radiation, the ITF reports, it has been necessary to assume that there is a directly proportional or "linear" relationship between the risks of high and low doses. This theory assumes as well that there is no threshold level of exposure below which radiation will not have any potentially carcinogenic effect. These assumptions have been criticized as both underestimating and overestimating the potential hazard of low-dose exposure, although it would appear that they currently offer a sound basis for projecting this risk.

(viii) The Work Group on Care and Benefits of the ITF reported a "natural" incidence of fatal cancer of 1,600 in any population of 10,000. They provided the estimate of one additional death for each additional rem to which the entire group was exposed; for example, if all in a group of 10,000 were exposed to one rem in addition to naturally occurring background radiation, there would be only one fatal cancer beyond the 1,600 otherwise expected. Since the 200,000 test participants received an average dose of about half a rem, some ten fatal cancers from among the entire group can be expected over the lifetime of the participants which might be statistically related to radiation exposure. On the other hand, some 32,000 fatal cancers not related to this radiation can be expected.

(3) *Genetic effects.* Experimental studies in animals have shown that radiation can produce gene mutations which can result in abnormalities in later generations. However, no genetic effects have ever been observed in humans, despite much data and extensive study.

(c) *Development of evidence.* Claims for disabilities based upon such exposure pose unique development problems for claimants and special assistance should be extended to them. Section 3.164 provides for Central Office coordination of the search of Government records for exposure data, and lists the identifying information necessary for these special searches to ensue.

(d) *Adjudication of claims—reasonable doubt.* (1) The problems inherent in the adjudication of claims in which there are allegations of late somatic effects of radiation are many. The records obtained may not conclusively place an individual at a test site or elsewhere, or document with certainty the dosage of exposure in a given claim. The resolution of reasonable doubt in a claimant's favor requires that, at a minimum, veterans be presumed to have been present at a test or series of tests as claimed unless the service department conclusively places them elsewhere at the time in question. Also, when an individual dosimetry reading for a claimant is not available but the service department is able to supply or estimate a range of exposure for the claimant's organizational unit, exposure at the upper limit of the range is to be conceded.

(2) In keeping with the application of the reasonable doubt standard, even where an individual dosimeter reading is available, the reading should be carefully interpreted in light of the known variance in those readings. Further, an overall estimated exposure level for the veteran's organizational unit, if any, should be used if more beneficial to the veteran than the adjusted dosimeter reading.

(3) The many remaining unknowns concerning the carcinogenic effects of low-level radiation make such determinations especially perplexing. It should presently be assumed, however, that there is no level of exposure below which some risk does not attach, and that the probability of radiation-induced disease increases with the intensity and duration of exposure. That is not to say that dosage should be the sole, or even controlling, criterion. Consideration should be given to such factors as the estimated date of onset of the disease in relation to the dates of exposure, and where available, to such post-service personal and occupational histories as cigarette smoking (in lung cancer cases) and significant contact with other known carcinogens (such as benzene in leukemia cases).

(4) Where the evidence in its entirety creates a reasonable doubt as distinguished from speculation or

remote possibility, such doubt should be resolved in favor of service connection. Additionally, there should be no hesitancy in submitting claims based on malignancies to Central Office (212) for advisory opinions.

(e) *Copies of rating sheets furnished to Compensation and Pension Service.* The copies of rating sheets furnished to C&P Service should contain the dates and branch of service; serial number; name, date and location of all A-tests attended; the military unit to which assigned at time of test; duty assignment at test; dosimetry reading or amount of radiation exposure, if known; and any other identifying information which would assist in any further search for information.

§ 3.164 Development of ionizing radiation exposure.

(a) *General.* (1) When claims are received stating that disability is the result of an exposure to ionizing radiation while a participant in an atmospheric nuclear weapons test, a special search will be required for dosimetry data.

(2) An understanding between the Defense Nuclear Agency and the VA requires that this search be coordinated through Compensation and Pension Service (212A).

(b) *Development.* (1) *Nuclear atmospheric tests.* In addition to requesting all treatment evidence of record, full development will be undertaken to secure from the claimant detailed facts as to:

(i) The dates and place of the test;
(ii) Operation or test shot code names;
(iii) The number of tests witnessed;
(iv) The organization or unit (ship, task group, company or squadron, etc.) and rank at time of test;

(v) The duty place and organization unit from which claimant may have been detailed for participation;

(vi) A detailed description of activities during the entire period of participation, including:

(A) How far was the veteran from the center or ground zero at the time of each explosion?

(B) At the time of each explosion, was the veteran in the open, under cover (building, closed vehicle, trench, etc.), in a plane or aboard ship (on or below deck)?

(C) Did the veteran move to or toward ground zero after the explosion, how soon thereafter, and how close?

(D) How long did the veteran remain in the vicinity of the explosion, initially and after advancing?

(E) Is the veteran aware of any peculiarity of the trials (unexpected

wind change, severe dust conditions, etc.?)

(vii) Whether a film badge was issued and worn;

(viii) The names of other servicepersons with the claimant at time of participation;

(ix) Complete clinical records, not summaries, of all medical care received during or after service, together with all tissue blocks, slides, or other pathology samples; and

(x) A record of preservice and postservice radiation exposure, including all medical and occupational sources, and a record of exposure to other known carcinogenic agents (cigarettes, chemicals, etc.).

(2) *Other than nuclear atmospheric tests.* When a claimant alleges exposure by reason of the nature of military duties, such as radiologist, X-ray technician, nuclear power technician, etc., in addition to request for all service clinicals, a separate VA Form 60-3101 will be prepared requesting a copy of DD Form 1141, Record of Occupational Exposure to Ionizing Radiation (if maintained) from the 201 file. Note: These cases will not be reported to Central Office for further development.

(c) *Report to Central Office.* (1) Subsequent to development as outlined in paragraph (b) of this section, the following additional information will be telephoned to the Compensation and Pension Service (212A), FTS 389-3909, 3976, or 3982:

(i) File number;
(ii) Social security number;
(iii) Service number;
(iv) Period of service;
(v) Claimant's telephone number and address;
(vi) Veteran's date and place of birth; and
(vii) Nature of disability.

(2) The Compensation and Pension Service (212A) will initiate the necessary contact with the appropriate National Test Personnel Review Office. Final rating action will be deferred until reply is received from Compensation and Pension Service.

(d) *Expungement of classified military data.* Information relative to military bases where nuclear weapons may be located within the continental United States is classified Confidential whereas locations past or present outside the continental United States are classified Secret or Top Secret. The fact that a veteran inadvertently revealed such information in an application for benefits should not be compounded by further release within or without the VA in any manner.

(1) Such classified data will be cut out (rather than obliterated) from such records or statements.

(2) A VA Form 119, Report of Contact, prepared for the claims file and signed by the Adjudication Officer, or supervisory designee not lower than the Assistant Adjudication Officer, will cite the kind of evidence removed, and summarize or restate any other obliterated facts or statements not referring to specific military bases where nuclear exposure allegedly occurred.

[FR Doc. 82-29517 Filed 10-26-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-002; (A-4-FRL 2195-3)]

Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On June 19, 1978 (43 FR 26380), EPA promulgated regulations for the prevention of significant air quality deterioration (PSD) and requirements for States to develop and submit regulations for PSD. These regulations were based on the Clean Air Act Amendments of 1977. On August 7, 1980 (45 FR 52676), EPA promulgated revised PSD regulations requirements for State plans.

On December 9, 1981, Tennessee submitted regulations to meet the PSD requirements. On May 25, 1982, Tennessee submitted supplemental information along with draft revisions to the original PSD submittal of December 9, 1981. EPA proposes today to approve the Tennessee PSD regulations and draft revisions (which are being parallel processed) with the understanding that certain changes will be made by the State in the latter before they are adopted.

DATE: To be considered, comments must be received on or before November 26, 1982.

ADDRESS: Written comments should be addressed to Raymond S. Gregory of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Air Management Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Tennessee Air Pollution Control Division, 150 9th Avenue North, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT:

Raymond S. Gregory of EPA Region IV's Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On December 5, 1974, EPA published regulations under the 1970 version of the Clean Air Act for the prevention of significant air quality deterioration (PSD). These regulations established a program for protecting areas with air quality cleaner than the national ambient air quality standards (NAAQS). The Clean Air Act Amendments of 1977 mandated certain immediately effective changes in EPA's PSD regulations, and established comprehensive new PSD requirements which are to be incorporated by States into their implementation plans. On June 19, 1978 (43 FR 26380), and August 7, 1980 (45 FR 52676), EPA promulgated guidance to assist States in preparing State implementation plan (SIP) revisions meeting the new requirements.

The State of Tennessee has complied with these requirements and has adopted and submitted on December 9, 1981, a new rule 1200-3-9-.01-(4) for the review of new sources. On May 25, 1982, the State submitted draft revisions to the original submittal. Provisions of Tennessee's PSD regulations include a listing of sources considered to be major sources, what constitutes maximum allowable increases (increments) for Class I, II, and III areas, public participation requirements, procedures for areas violating increments, requirements for sources impacting Class I areas and procedures for innovative control technology waivers. In addition, Tennessee's regulations specify that sources apply best available control technology.

EPA today proposes to approve the original submittal and the draft revisions with the understanding that the following changes will be made.

The definition of "necessary preconstruction approvals or permits" should be changed to read, "means all permits or approvals required under air quality control laws and regulations." Under the proposed definition it would be possible for a source to be grandfathered even if it had not obtained all required air permits before the appropriate cut-off date.

The definition of "baseline date" should be changed to read, "means the earliest date after August 7, 1977, that a major stationary source or major modification submits a complete application to this Division 1200-3 or the EPA Administrator." With the proposed definition, Federally-issued PSD permits may not trigger the baseline.

The definition of "legally enforceable" should be changed to read, "means all limitations and conditions which are enforceable by the Technical Secretary and the EPA Administrator."

The State did not specify in the SIP that alternative air quality models must be submitted to the Administrator for approval. However, the State does specify such in the permit application instructions given to prospective PSD applicants. In addition, the State indicated in May 25, 1982, submittal that the State would include all guidelines concerning approved EPA models and methods for approval of alternative models in the SIP.

The PSD SIP submittal requires sources to obtain emissions offsets to cure predicted violations of PSD increments or air quality standards only if otherwise required under Tennessee's new source review provisions for non-attainment areas. The State has indicated that it will change this provision to require sources to obtain emissions offsets to cure predicted increment or standard violations wherever necessary.

The original PSD submittal did not include a procedure for notifying EPA and Federal Land Managers concerning a PSD permit affecting a Class I area as required. The draft revisions did require notice of permit applications and preliminary determinations. The notification requirement should also include notification of public hearings, final determinations, and permits issued.

The States are required to adopt procedures for obtaining the consent of the Governor(s) of an affected neighboring state when an innovative technology waiver is granted. The State revision requires only consultation with Governor(s) of affected states. EPA therefore proposes to reserve the permitting authority for sources requesting innovative technology waivers where there is a significant impact on a state(s) adjacent to Tennessee.

Although EPA is proposing to approve the Tennessee revisions, it should be noted that certain portions of the revisions would require inclusion of vessel emissions in the review of certain stationary sources. In connection with EPA's recent amendments to SIP new

source review requirements, 47 FR 27554, 27555-27556 (June 25, 1982). Several members of the maritime industry raised the claim that States are implicitly preempted from requiring such reviews by the Ports and Waterways Safety Act, as amended, 46 U.S.C. 391(a) *et seq.* EPA is still considering these claims. Accordingly, a final decision on whether to approve the vessel emission provisions of the revised regulations may be deferred until this issue is resolved. It should also be noted, however, that any EPA decision on whether to approve these revisions, in so far as they apply to vessel emissions, will not affect the applicability of the rules for purposes of State law.

Action

EPA proposes to approve revisions to the Tennessee State Implementation Plan submitted on December 9, 1981, and the draft revisions submitted on May 25, 1982, if certain changes are made in the draft revisions. In addition, EPA is proposing to reserve the permitting authority for sources requesting innovative technology waivers where there is a significant impact on a state(s) adjacent to Tennessee.

As previously stated, written comments must be received on or before November 26, 1982. A thirty-day comment period is being used because the SIP submission and the issues involved are not so complex as to warrant a longer comment period. At the close of the comment period, EPA will review all comments and any changes made by Tennessee before publishing a notice of final rulemaking.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 161, Clean Air Act (42 U.S.C. 7410 and 7471))

Dated: August 11, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-29542 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 171

[OPP 40004C; PH-FRL 2187-3]

Certification of Pesticide Applicators; Expansion of Recertification Time Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend the period of validity of the certifications of pesticide applicators who are certified under a Federal pesticide applicator certification program as authorized by section 4 of the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the Act). The proposed rule would require recertification of commercial applicators after three years, instead of the present two-year requirement; private applicators would have to be recertified every four years instead of the present three-year requirement. At present, Federal pesticide applicator certification programs are administered by EPA in Nebraska and Colorado. The operation of State programs with longer recertification intervals has not been demonstrated to be less effective than the shorter intervals required in Federal certification programs. However, the longer recertification interval does not place less burden on the pesticide applicator and results in less cost to the administering agency.

DATE: Comments regarding the proposed rule will be accepted until December 27, 1982.

ADDRESSES: Written comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

Comments should bear the identifying notation OPP 40004C. The administrative record, including comments, is available for public inspection in Room E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday except legal holidays.

FOR FURTHER INFORMATION CONTACT: John MacDonald, Office of Pesticides and Toxic Substances, Enforcement (EN-342), Environmental Protection Agency, Rm. 2416, 401 M St., SW., Washington, D.C. 20460 (202-755-9201).

SUPPLEMENTARY INFORMATION:

Discussion

Section 4(a)(1) of FIFRA, as amended in 1978 (Pub. L. 95-396, 92 Stat. 819, 7 U.S.C. 136b(a)(1)), requires the Administrator to conduct a Federal

pesticide applicator certification program in those States which do not have an approved certification plan under section 4 of the FIFRA. Federal applicator certification regulations (40 CFR 171.11) require applicators applying restricted use pesticides to be certified.

These regulations specify that a commercial applicator's certification is valid for two years and a private applicator's for three years. The requirement that applicators be recertified at the specified intervals is to ensure that they meet the requirements of changing technology and maintain a continuing level of competence. EPA established Federal pesticide applicator certification programs in Nebraska and Colorado pursuant to these regulations, when the States did not develop programs of their own. The establishment of Federal programs in Nebraska and Colorado were announced in the *Federal Register* of March 15, 1978 (43 FR 10727) and June 29, 1978 (43 FR 28249), respectively.

EPA has monitored and evaluated both the operation of the two Federal pesticide certification programs and EPA-approved State pesticide certification programs. Many of the State programs require recertification at less frequent intervals than the Federal programs. The most common State recertification interval for commercial applicators is three years. Recertification intervals for private applicators are often somewhat longer. The operation of State programs with longer recertification intervals has not been demonstrated to be less effective than the shorter intervals required in Federal certification programs. However, the longer recertification interval does place less burden on the pesticide applicator and results in less cost to the administering agency. For these reasons EPA is proposing to extend the recertification intervals to three years for commercial applicators and four years for private applicators.

This rule will not be effective until 60 days after publication of the final rule in the *Federal Register*. The rule, if adopted, would not extend the certification period of those applicators who are presently certified with the Agency. The expanded recertification time period would apply to certifications and recertifications issued after this amendment's effective date.

Statutory Review

Copies of this proposal were provided to the Secretary of Agriculture and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry

of the Senate in accordance with FIFRA sec. 25(a)(3).

Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA hereby certifies that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small businesses. This proposed rule currently has an impact only on those applicators who are certified by EPA in Nebraska and Colorado. These will not be any detrimental economic effects on these applicators in that the regulatory requirement is being relaxed with a cost savings to them.

Compliance With Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a rule is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "Major" since it affects only restricted use pesticide applicators in Nebraska and Colorado. This rule does not impose any further regulatory requirements on pesticide applicators. The proposed rule:

(1) Does not have an annual effect on the economy of \$100 million or more.
(2) Will not substantially increase costs to consumers, industry, or the government.

(3) Will not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to those comments are available for public inspection at the office of the Document Control Officer, Rm. E-107, at the address given above.

List of Subjects in 40 CFR Part 171

Pesticides and pests,
Intergovernmental relations, Indian lands.

Dated: October 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 171—[AMENDED]

Therefore, it is proposed that 40 CFR 171.11 be amended by revising paragraphs (c)(4) and (d)(2) to read as follows:

§ 171.11 Federal certification of pesticide applicators in States or Indian Reservations where there is no approved State or tribal certification plan in effect.

(c) * * *

(4) *Certification procedure.* An individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be initially certified as a commercial applicator under this paragraph, an individual must take and pass written examinations approved by the Administrator and administered by the Administrator or any other party approved by him or her. A general examination will be given, based on the general standards found in § 171.4(b) and the standards for supervision found in § 171.6. In addition, specific category and subcategory examinations will be given, based on the appropriate category or subcategory standards found in § 171.4(c) and the applicable Federal plan. The Administrator will notify the individual in writing of the results of the examinations within 45 days unless special circumstances justify a longer time period. The Administrator will issue to each person who has passed a general examination and one or more category or subcategory examinations a commercial applicator certificate covering each category and subcategory in which he or she has qualified. A commercial applicator certificate is valid for a period of three years from the date of issuance, unless earlier suspended or revoked by the Administrator (two years from the date of issuance, in the case of certificates issued prior to [effective date of amended rule]), and is valid within the State or Indian Reservation named on the certificate.

(d) * * *

(2) *Issuance of certificates.* The Administrator will issue a private applicator certificate to each individual who successfully completes any available certification option. Individuals who, for any reason, fail to complete successfully a certification option may attempt to complete the same option or, if available, an alternative option. A private applicator certificate is valid for a period of four years from the date of issuance (three years from the date of issuance, in the case of certificates issued before [effective date of amended rule]), unless earlier suspended or revoked by the Administrator, and is valid within the State or Indian Reservation name on the certificate.

[FR Doc. 82-29335 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2529/P256; PH-FRL 2232-8]

Chlorpyrifos; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the raw agricultural commodity cherries. This proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was submitted pursuant to a petition by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before November 26, 1982.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2529 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan and Ohio.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act, propose the establishment of a tolerance for combined residues of the insecticide chlorpyrifos [O,O-diethyl-O-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol (TCP) in or on the raw agricultural commodity cherries at 1.5 parts per million (ppm). The petition was later amended to propose a tolerance of 2.0 ppm combines residues.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 2-year rat feeding study with a red-blood-cell cholinesterase (RBC ChE) no-observed-effect-level (NOEL) of 0.1 mg/kg/day and negative oncogenic potential; a 2-

year dog feeding study with a RBC ChE NOEL of 0.1 mg/kg/day; a 180-day rat feeding study with a RBC ChE NOEL of 0.15 mg/kg/day; a 90-day dog feeding study with a RBC ChE NOEL of 0.03 mg/kg/day; a 3-generation rat reproduction study with a NOEL of 1.0 mg/kg (highest dose); and a mouse teratology study negative at 25 mg/kg/day (highest dose). A rat teratology study and an additional reproduction study must be submitted within a reasonable period of time.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (RBC ChE NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing and proposed tolerances for a 1.5 kg daily diet is calculated to be 0.6406 mg/day; the current action will increase the TMRC by 0.0031 mg/day (0.48 percent). Published and proposed tolerances utilize 106.77 percent of the ADI; the current action will utilize an additional 0.51 percent.

The nature of the residues is adequately understood and adequate analytical method, gas chromatography, using a flame photometric detector to determine chlorpyrifos and a ⁶³Ni electron capture detector to determine the TCP, is available for enforcement purposes. Supportive residue data are from tests conducted in Michigan. Since cherries are not normally used for animal feed, there will be no problem of secondary residues in meat, milk, poultry and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.342 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the *Federal Register* that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 1E2529/P256]". All written comments filed in response to

this petition will be available for public inspection in the office of Donald Stubbs at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, agricultural commodities, Pesticides and pests.

Dated: October 14, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.342 be amended by adding and alphabetically inserting the raw agricultural commodity cherries to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

Commodities					Parts per million
Cherries	*	*	*	*	2.0

[FR Doc. 82-29081 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2701/P257, PH-FRL 2230-8]

Permethrin; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes the establishment of a tolerance for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodity spinach.

This proposed regulation establishes the maximum permissible level for the combined residues of the insecticide in or on spinach.

DATE: Comments must be received on or before November 26, 1982.

ADDRESS: Written comments, bearing the document control number (OPP 2E2701/P257) should be submitted to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, PM-17, at the above address.

SUPPLEMENTARY INFORMATION: The Agency was informed that approximately 200 acres of spinach, grown in Tennessee, were treated with the insecticide permethrin ([3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate). The spinach is currently being held in storage pending establishment of a tolerance level for residues of permethrin in or on spinach. Based on residue data on spinach and other leafy vegetables, it is concluded that a level of 20 parts per million (ppm) is adequate to cover residues of the parent compound and its metabolites, 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA). The toxicological data considered in support of this chemical was discussed in a related document [PP 8F2099, 9F2196, 9F2243, 9F2192, 0F2425, 0F2307, 9F2207, 1F2562, 1F2564/R422] published in the *Federal Register* of October 13, 1982 (47 FR 45008).

Using a no-observed-effect level (NOEL) of 5 mg/kg/day, derived from the most sensitive 2-year rat chronic feeding/oncogenicity study and a 100-fold safety factor, the acceptable daily intake (ADI) was determined to be 0.05 mg/kg/day. This tolerance would increase the percentage of the ADI used from 21.13 percent to 21.64 percent.

The theoretical maximal residue contribution (TMRC) for the insecticide from use on spinach will be increased by 2.41 percent. There are no actions currently pending against continued registration of the insecticide.

Tolerances have been previously established (40 CFR 180.378) for residues of the insecticide on various raw agricultural commodities at levels ranging from 0.05 ppm to 20.0 ppm. The

nature of residue is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purpose. Spinach is not a feed item, and therefore there is no reasonable expectation of residues in eggs, meat, milk, or poultry from this tolerance.

The pesticide is considered useful for the purposes for which the tolerance will protect the public health. It is proposed therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number "[PP 2E2701/P257]". All written comments filed in response to this petition will be available in the product manager's office, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(E)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure; Agricultural commodities; Pesticides and pests.

Dated: October 8, 1982.

Douglas D Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.378 be amended by adding and

alphabetically inserting the commodity spinach to read as follows:

§ 180.378 Permethrin; tolerances for residues.

Commodities					Parts per million
	*	*	*	*	
Spinach	*	*	*	*	20.0

[FR Doc. 82-29014 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5-3

Procurement by Negotiation; Structured Approach to Profit/Fee Objectives

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of availability of proposed rule.

SUMMARY: This proposed amendment to the General Services Administration Procurement Regulations will implement the Office of Federal Procurement Policy (OFPP) Policy Letter 80-7 (December 9, 1980) by providing an agency structured approach for determining profit or fee prenegotiation objectives. The provisions in the proposal are based on policies and procedures already published by the National Aeronautics and Space Administration (NASA) in the NASA Procurement Regulation (41 CFR Chapter 18).

DATE: Comments will be considered if received by November 30, 1982.

ADDRESS: Copies of the proposal are available upon request to interested parties for comments from General Services Administration, Office of Federal Procurement Regulations, Office of Acquisition Policy, 18th and F Streets, NW., Room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202) 523-4755.

Dated: October 18, 1982.

Allan W. Berres,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82-29279 Filed 10-26-82; 8:45 am]

BILLING CODE 6820-01-M

44 CFR Part 67

[Docket No. FEMA-6425]

Proposed Based Flood Elevation and Zone Designation Determinations for the City of Diaz, Jackson County, Ark. Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevation and zone designation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified or participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-name community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, Municipal Building, Highway 17, Diaz, Arkansas.

Send comments to: Honorable Blount Hohn, Mayor, City of Diaz, P.O. Box 136, Diaz, Arkansas 72043.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Diaz, Arkansas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 of the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances

that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designations
Village Creek:		
At the southern corporate limits	231	A3.
At the northern corporate limits	232	A4.
White River:		
At the southernmost corporate limits	231	A10.
At Route 16	231	Do.
Just east of Bergen Lake	231	Do.
At the northwesternmost corporate limits	232	Do.
Along Main Street Ditch	231	Do.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood Insurance; Flood plains.

(National Flood Insurance Act of 1968 (Title XII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued: September 17, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29181 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-4485]

Proposed Flood Elevation Determinations; Jamestown, Colorado

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Jamestown, Colorado.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 42261 on September 20, 1978, and in the *Boulder Daily Camera*, published on or about September 7, 1978, and September 8, 1978, and hence supersedes those previously published rules for the areas cited below.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Clerk's Office, Town Hall, Main Street, Jamestown, Colorado.

Send comments to: Honorable Skip Breffle, Box 298, Jamestown, Colorado 80455.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Jamestown, Boulder County, Colorado, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be

used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67.

Flood insurance; Flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding	location	#Depth in feet above ground Elevation in feet (NGVD)
James Creek	At downstream corporate limit	*6,802
	20 feet upstream from center-line of Main Street	*6,915
	10 feet downstream from corporate limits	*7,057
Little James Creek	10 feet upstream from center-line of Ward Street	*6,978
	90 feet upstream from center-line of James Canyon Drive	*7,167
	10 feet downstream from upstream corporate limit	*7,267
Unnamed Tributary to Little James Creek	At corporate limit	7,299

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29184 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6437]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Longmont, Boulder County, Colo. Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of Planning and Development, City of Longmont, Civic Center Complex, Third and Kimbark, Longmont, Colorado.

Send comments to: Honorable William Swenson, Mayor, City of Longmont, Civic Center Complex, Third and Kimbark, Longmont, Colorado 80501.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Longmont, Colorado, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363

to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) vertical national geodetic datum	Zone designation
Spring Gulch:		
Just upstream of the Colorado and Southern Railroad.	4,988	Zone A3
At a point located approximately 500 feet upstream of East 11th Avenue.	4,989	Do.
At a point located approximately 50 feet downstream of Mountain View Avenue.	4,998	Do.
At East 15th Avenue.	5,003	Do.

Along St. Vrain Creek in the recently annexed area located between North 119 Street and the easternmost corporate limits, the proposed special flood hazard area, identified as Zone A, has been added. Along Left Hand Creek between South Bowen Street and Pike Road, the proposed special flood hazard area has been revised from Zone A5 to Zone A. Also along Left Hand Creek, between Pike Road and the southern corporate limits, the proposed special flood hazard area, identified as Zone A, has been added.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas

on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance; Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 28, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29193 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6421]

National Flood Insurance Program; Proposed Elevations for the Town of Lexington, Mass.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations described below.

The proposed elevations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed elevations are available for review at the Town Office.

Send comments to: Mr. Alfred Busa, Chairman, Board of Selectmen, 1625 Massachusetts Avenue, Lexington, Massachusetts 02173.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, State and Local Programs and Support, Federal Emergency Management Agency, Room 514, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local

Programs and Support, gives notice of the proposed elevations (100 year flood) for the Town of Lexington, Massachusetts in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 980), which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The elevations together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed elevations for selected locations are:

Source of flooding	Location	Elevation (feet) (NGVD)
North Lexington Brook	Upstream side of access road to Town dump.	117.6
	Upstream side of B&M Railroad.	118.7
Kiln Brook	Downstream side of Route 128	120.5
	Upstream side of Melex Road	117.0
	Upstream side of B&M Railroad.	117.3
	Upstream side of Hartwell Avenue.	117.4

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance; Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44

FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29186 Filed 10-25-82; 8:45 am]

BILLING CODE 6710-03-M

44 CFR Part 67

[Docket No. FEMA 6429]

Proposed Base Flood Elevation and Zone Designation Determinations for Buchanan County, Missouri, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Highway Department, Buchanan County Courthouse, Fifth and Jules, St. Joseph, Missouri.

Send comments to: Honorable Gerald Vanover, Presiding Judge, Buchanan County Courthouse, Fifth and Jules, St. Joseph, Missouri 64501.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Buchanan County, Missouri, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood

Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations, on Panels 25, 40, 75, and 125 of 125, are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Missouri River:		
At the southern corporate limits.	788	A5.
Just downstreams of U.S. Route 59.	792	A5.
At a point located approximately 1500 feet downstream of the confluence of Lost Creek.	789	A5.
At a point located approximately 1800 feet upstream of the confluence of Lost Creek.	799	A8.
At a point located approximately 700 feet upstream of River Mile 434.	805	A8.
At a point located approximately 500 feet downstream of River Mile 445.	814	A8.
At a point located approximately 800 feet downstream of River Mile 450.	819	A8.
At the northern corporate limits.	821	A8.
Tributary of the 102 River:.....		
At the northern corporate limits.	860	A10.
Tributary of the Platte River:.....		
Area located along eastern border of the Town of Agency and north of the Atchison, Topeka and Santa Fe Railway.	838	All.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 23, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29190 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6423]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Belton, Cass County, Missouri Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Director of Community and Economic Development, Belton City Hall, 506 Main Street, Belton, Missouri.

Send comments to: Honorable Gary Mallory, Major, City of Belton, P.O. Box 230, Belton, Missouri 64012.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Belton, Missouri, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flooded elevations and zone designations, on Panel 3 of 5, are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Oil Creek:		
At a point located approximately 250 feet upstream of 160th Terrace extended.	994	A3.
At a point located approximately 100 feet downstream of 162nd Street.	1005	A3.
At a point located approximately 200 feet upstream of 163rd Street.	1008	A3.
At a point located approximately 125 feet downstream of the Private Road.	1018	A3.
At the limit of detailed study (Springdale Lane).	1024	A3.

Also along Oil Creek, the proposed special flood hazard area, identified as Zone A, has been added upstream of Springdale Lane.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 17, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29183 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6424]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Blue Springs, Jackson County, Missouri Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the

flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Engineering Department, Blue Springs City Hall, 903 Main Street, Blue Springs, Missouri.

Send comments to: Honorable John Michaels, Mayor, City of Blue Springs, 903 Main Street, Blue Springs, Missouri 64015.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION:

The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Blue Springs, Missouri, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Burr Oak Creek At a point located approximately 800 feet upstream of Saunders Road.	836	A7.
Blue Branch Creek Tributary No. 2: At the southernmost corporate limits.	811	All.
At a point located approximately 100 feet downstream of Mize Road.	818	A5.

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
At a point located approximately 425 feet upstream of Interstate Route 70.	832	A5.
At a point located approximately 1300 feet downstream of Porter Road extended.	837	A5
Just upstream of Porter Road extended.	850	A5
At the upstream limit of detailed study.	867	A5
Blue Branch Creek Tributary No. 1: Just upstream of the eastern corporate limits.	829	A6
Just downstream from the upstream limit of detailed study.	836	A6.

Also along Blue Branch Creek Tributary No. 1, the proposed special flood hazard area, identified as Zone A, has been added between the upstream limit of detailed study and U.S. Route 40. Proposed special flood hazard areas, identified as Zone A, have been added along unnamed tributaries in the area located north of Pink Hill Road and between Route 7 extended and Owens School Road extended. Additional annexed areas have been identified as Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29182 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-6430]

44 CFR Part 67

Proposed Based Flood Elevation and Zone Designation Determinations for Douglas County, Nevada Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Community Development Department, Valley Professional Building, 1645 Highway 395, Minden, Nevada.

Send comments to: Mr. Kenneth C. Kjer, Chairman, Board of County Commissioners, Douglas County Courthouse, P.O. Box 218, Minden, Nevada 89423.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Douglas County, Nevada, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the

minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of Flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Martin Slough:		
At a point located approximately 150 feet upstream of U.S. Route 395.	4,700	A6.
At a point located just upstream of Buckeye Road.	4,714	A6.
At a point located approximately 100 feet downstream of High School Street.	4,740	A6.
At a point located just downstream of Tolar Avenue.	4,751	A6.

The area generally located between Tolar Avenue, U.S. Route 395 and Elges Avenue, has been revised from Zone B to Zone AO, with a depth of 1 to 2 feet. Along Pine Nut Creek, the special flood hazard area, identified as Zone A, has been modified between the unnamed canal just west of Allerman Canal and Saw Mill Road.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the

Associate Director, State and Local Programs and Support)

Issued: September 23, 1982.

Lee M. Thomas,
Associate Director, State and Local Programs and Support.

[FR Doc. 82-29189 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Revision of Proposed Flood Elevation Determinations; Cove Neck, Nassau, New York.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Cove Neck, Nassau County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Federal Register* at 47 FR 35796 on August 17, 1982, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the residence of the Village Clerk, Mrs. W. D. Robinson, Tennis Court Road, Cove Neck, New York.

Send comments to: Honorable Stephen Ulman, Mayor of Cove Neck, Box 279, Cove Neck Road, Cove Neck, New York 11709.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-years) flood elevations are listed below for selected locations in the Village of Cove Neck, Nassau County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Oyster Bay Cove:	
Oyster Bay Cove shoreline.....	*12
Oyster Bay Harbor:	
Oyster Bay Harbor shoreline north of Oyster Bay Cove shoreline to approximately 2,000 feet south of Cove Point.....	*12
Oyster Bay Harbor shoreline from approximately 2,000 feet south of Cove Point to Cove Point.....	*15
Cold Spring Harbor:	
Cold Spring Harbor shoreline from Cove Point to Cooper Bluff.....	*16
Cold Spring Harbor shoreline from Cooper Bluff to Village of Cove Neck—Village of Laurel Hollow Corporate limits.....	*15
Sagamore Hill National Historical Site along eastern corporate limits.....	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44

FR 19367; and delegation of authority to the Associate Director)

Issued: September 29, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29191 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6438]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Anadarko, Caddo County, Oklahoma

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, Anadarko City Hall, 501 West Virginia, Anadarko, Oklahoma.

Send comments to: Honorable E. E. Otey, Mayor, City of Anadarko, 501 West Virginia, P.O. Box 647, Anadarko, Oklahoma 73005.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Anadarko, Oklahoma, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of

1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Washita River:		
At the easternmost corporate limits.	1,166	A5.
At a point located approximately 5000 feet upstream of the easternmost corporate limits.	1,170	A5.

In the recently annexed area, located in the northeasternmost portion of the City, special flood hazard area, identified as Zone A, has been added. Additional annexed areas have been identified as Zone C.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.
(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR

17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29192 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6426]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Grove, Delaware County, Oklahoma Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, Grove City Hall, Grove, Oklahoma.

Send comments to: Honorable Huber Logue, Mayor, City of Grove, P.O. Box 1268, Grove, Oklahoma 74344.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Grove, Oklahoma, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980,

which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations, on Panels 3 and 4 of 4, are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Spring Branch: At a point located approximately 300 feet upstream of Christy Drive extended.	772	A2.
At a point located approximately 800 feet downstream of the eastern corporate limits.	779	A2.

In the recently annexed areas, in the southern portion of the City, proposed special flood hazard areas, identified as Zone A, have been added. Additional annexed areas have been identified as Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 17, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29180 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6401]

Revision of Proposed Flood Elevation Determinations; Johnstown, Cambria County, Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Johnstown, Cambria County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Federal Register* at 47 FR 41776 on September 22, 1982, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Room 106, Johnstown, Pennsylvania.

Send comments to: Honorable Herbert Pfuhr, Mayor of Johnstown, City Hall, Johnstown, Pennsylvania 15901.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Johnstown, Cambria County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-

448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Conemaugh River.	Downstream corporate limits.....	*1,154
	Coopersdale Bridge (upstream) ..	*1,159
	Fourth Avenue (upstream)	*1,164
	Confluence of Little Conemaugh River and Stonycreek River.	*1,167
Little Conemaugh River.	Confluence with Conemaugh River and Stonycreek River.	*1,167
	Chessie System (1st crossing)....	*1,171
Stonycreek River.	Swank Court (upstream).....	*1,182
	Upstream corporate limits.....	*1,212
	Confluence with Conemaugh River and Little Conemaugh River.	*1,167

Source of Flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
St. Clair Run.....	Haynes Street.....	*1,173
	Hornar Street.....	*1,179
	Upstream corporate limits.....	*1,198
	Confluence with Conemaugh River.....	*1,158
	D Street (upstream).....	*1,166
Elk Run.....	Bachys Avenue.....	*1,181
	Fairfield Avenue (upstream).....	*1,211
	Upstream corporate limits.....	*1,257
	Shallow flooding affecting community.....	#1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29185 Filed 10-26-82; 8:45 am]

BILLING CODE 6710-03-M

44 CFR Part 67

[Docket No. FEMA 6422]

Proposed Elevations and Zone Designations for the City of East Ridge, Tennessee

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations and zone designations described below.

The proposed elevations and zone designations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and zone designations are available for review at the City Administrator's Office.

Send comments to Mr. J. David Mays, Jr., City Administrator, City of East

Ridge, 1501 Tombras Avenue, East Ridge, Tennessee 37412.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, State and Local Programs and Support, Federal Emergency Management Agency, Room 514, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed elevations and zone designations (100 year flood) for the City of East Ridge, Tennessee in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42, U.S.C. 4001-4128, and 44 CFR 67.4 (a)).

The proposed elevations and zone designations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed elevations and zone designations for selected locations are:

Source of Flooding	Location	Existing elevation	Proposed elevation
South Chickamauga Creek.	Along the eastern corporation limits (from north to south).	680-688	683-691
		Existing zone designation	Proposed zone designation
		A9	A10

Source of Flooding	Location	Existing elevation	Proposed elevation
Backwater flooding from West Chickamauga Creek.	Between the U.S. Route 41/76 interchange and the southern corporate limits, east of Route 75. Southwest side of the U.S. Route 41/76 interchange.	677	679
			682

Source of Flooding	Location	Existing zone designation	Proposed zone designation
	Southeast of Route 41/76 and Route 75 interchange in the vicinity of Lenora Road.	B	A10
	Along Route 75 south of the Loop.	B	Zone C
	Along Route 75 north of the Loop.	B	A10
	At the U.S. Route 41/76 and Route 75 interchange.	C	A9
	Southwest of U.S. Route 41/76 and Route 75 interchange.	B	A9

Source of Flooding	Location	Existing elevation	Proposed elevation
Spring Creek.....	Between Spring Creek and Springvale Road.	678-681	680-682

Source of Flooding	Location	Existing zone designation	Proposed zone designation
	West of Spring Creek Road.	A4	A7

Pursuant to the provisions of 5 USC 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

• Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Directors, State and Local Programs and Support.

[FR Doc. 82-29187 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6428]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of San Marcos, Hays, and Caldwell Counties, Tex.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Planning Director, San Marcos City Hall, 630 East Hopkins, San Marcos, Texas.

Send comments to: Honorable Emmie Craddock, Mayor, City of San Marcos, 630 East Hopkins, San Marcos, Texas 78666.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Natural Hazards

Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of San Marcos, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and number location	Elevation, national geodetic vertical datum (feet)	Zone designation
Blanco River:		
Just downstream of Route 80.....	586	A14.
At a point located approximately 1200 feet upstream of Route 80.....	588	A21.
Approximately 100 feet downstream of Crepe Myrtle Street extended.....	600	A21.
At the limit of detailed study.....	606	A21.
Purgatory Creek:		
At a point located approximately 600 feet upstream of Wilson Street extended.....	588	A5.
At the limit of detailed study.....	606	A5.
Willow Springs Creek:		
At a point located approximately 600 feet upstream of Ellis Street.....	588	A7.
At Redwood Road.....	604	A2.
At the limit of detailed study.....	612	A2.

Source of flooding and number location	Elevation, national geodetic vertical datum (feet)	Zone designation
Unnamed Tributary to Blanco river: At a point located approximately 300 feet north of the Missouri, Kansas, and Texas Railroad.....	584	A26.
At a point located approximately 150 feet south of Route 21.....	585	A14.

The proposed special flood hazard areas, identified as Zone A, have been added in six additional annexed areas. The first area is generally located along the Blanco River between the limit of detailed study and the northern corporate limits. The second area is located along Purgatory Creek between the limit of detailed study and the western corporate limits. The third area is located along Willow Springs Creek between the limit of detailed study and the western corporate limits. The fourth area is located along the San Marcos River between Durango Street extended and the southern corporate limits. The fifth area is located along an Unnamed Tributary of Cottonwood Creek between the limit of detailed study and the southern corporate limits. Finally, the sixth area is located along Hemphill Creek.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29188 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register

Vol. 47, No. 208

Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on October 28, 1982, at 7:00 p.m., a public information meeting will be held at the Holiday Inn, 1015 Elm Street, Dallas, Texas.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed lease and development of property located at 400 N. Ervay Street, Dallas, an undertaking of the United States Postal Service that will adversely affect the downtown Dallas Post Office Building, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on the National Register or eligible property, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such property.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by a representative of the Postal Service.

III. A statement by the Texas State Historic Preservation Officer or his representative.

IV. Statements from local officials, private organizations, and the public on

the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to five (5) minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401; telephone (303) 234-4946.

Dated: October 21, 1982.

John M. Fowler,

Acting Executive Director.

[FR Doc. 82-29471 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Timber Export and Substitution Restrictions; Results of Comments

Comments were solicited in the Federal Register on August 2, 1982 (47 FR 33303), as to whether a public hearing should be scheduled to determine whether unprocessed Douglas-fir, Western redcedar, Western hemlock, and other species presently restricted from export, are surplus to the needs of domestic markets during this time of poor timber markets (36 CFR 223.10). The comments showed little support for either a public hearing or finding these species surplus. Based on this information, a public hearing on the issue will not be scheduled.

Dated: October 18, 1982.

R. Max Peterson,

Chief.

[FR Doc. 82-29530 Filed 10-26-82; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

October 22, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was

published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447-6201.

Revised

• Rural Electrification Administration Rating Summary of Operations and Maintenance (REA Electric Systems) REA Form 300

On occasion

Businesses or other institutions: 330 responses; 1,320 hours; not applicable under 3504(h)

Archie W. Cane (202) 382-9088

• Packers and Stockyards Administration Regulations and Related Reporting Requirements—Packers and Stockyards Act P&S-5, 122, 124, 124-1, 125, 130, 131, 132, 134, 135, 202, 212, 216, 218

On occasion, semiannually, annually Businesses or other institutions: 40,205 responses; 12,059 hours; not applicable under 3504(h)

Charles H. Swearingen (202) 447-4193

Extension

• Packers and Stockyards Administration Application for Registration—Livestock Market Agencies and Dealers P&SA 118, 116-1

On occasion

Individuals, businesses or other institutions: 1,725 responses; 828 hours; not applicable under 3504(h)
Charles H. Swearingen (202) 447-4193

• Food and Nutrition Service
7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Reporting

On occasion, triennially
State or local governments and businesses or other institutions: 21,182 responses; 5,956 hours; not applicable under 3504(h)

Chris Lipsey (703) 756-3600

• Food and Nutrition Service
7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Recordkeeping

On occasion, annually triennially
State or local governments and businesses or other institutions: 60,840 responses; 15,286 hours; not applicable under 3504(h)

Chris Lipsey (703) 756-3600

• Food and Nutrition Service
7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Applications and Agreements

On occasion, annually
Individuals or households, state or local governments, businesses or other institutions: 10,988,809 responses; 977,468 hours; not applicable under 3504(h)

Chris Lipsey (703) 756-3600

Richard J. Schrimper,
Statistical Clearance Officer.

[FR Doc. 82-29472 Filed 10-26-82; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Order 82-10-86; Docket 41062]

Braniff Airways, Inc.; Order Instituting Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Show-Cause Proceeding: Order 82-10-86, Docket 41062.

SUMMARY: The Board is instituting the *Transatlantic Certificate Amendments Show Cause Proceeding* to consider proposed technical changes to the following certificates of public convenience and necessity: Braniff Airways, Inc., for Route 177; Delta Air Lines, Inc. for Route 178; Northwest Airlines, Inc., for Route 179; Pan American World Airways, Inc. for Routes 132 and 133; and Trans World Airlines, Inc. for Route 147.

DATES: Objections to the proposed changes shall be filed by November 15,

1982. Replies shall be filed by November 26, 1982.

ADDRESS: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in *Docket Transatlantic Certificate Amendments Show Cause Proceeding*.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-10-86 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

By the Civil Aeronautics Board: October 21, 1982.

Phyllis T. Kaylor

Secretary

[FR Doc. 29552 Filed 10-26-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-10-87; Docket 38028]

China Airlines, Ltd.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 82-10-87.

SUMMARY: The Board proposes to approve the following application.

Applicant: China Airlines, Ltd. (CAL)
Application Date: April 11, 1980—
Docket: 38028

Authority Sought: Foreign air transportation of persons, property and mail between Taipei and Kaohsiung, Taiwan; via intermediate points in the Pacific; via Fairbanks and Anchorage, Alaska (without traffic rights in Alaska); and coterminal points Guam; Honolulu, Hawaii; Los Angeles and San Francisco, California; Seattle, Washington; and New York, New York.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than November 16, 1982, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and Coordination Council for North American Affairs in Washington, D.C. and the American Institute in Taiwan in Arlington, Va. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an

order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for objections: Docket 38028, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Applicant: China Airlines, Ltd., c/o Mr. George C. Pendleton, Esq., Pendleton and McLaughlin, 1000 Connecticut Avenue, N.W., Suite 707, Washington, D.C. 20036.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Gordon H. Bingham, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5134.

By the Civil Aeronautics Board: October 21, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-29553 Filed 10-26-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Arizona Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Arizona Advisory Committee of the Commission originally scheduled for October 28-29, 1982, Phoenix, Arizona [FR Doc. 82-26166, on page 42011] has been changed.

The meeting will now be held on December 2-3, 1982, location will remain the same.

Dated at Washington, DC, October 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 29676 Filed 10-26-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 25-82]

Proposed Foreign-Trade Zone—Clark County, Nevada, Las Vegas Customs Port of Entry; Amendment of Application

Notice is hereby given that the State of Nevada has amended its application to establish a general-purpose foreign-

trade zone in the Las Vegas Customs port of entry area (Docket 2-81, 46 FR 5029, 1/19/81), making the Nevada Development Authority (NDA), a private non-profit Nevada corporation, the new applicant, and changing the proposed sites for the facility. NDA is an economic development agency that works closely with State and local governments. It is financed mainly by the private sector. NDA is authorized to make this proposal under Nevada Revised Statutes, 273A.010-273A.050. The amended application was formally filed on October 20, 1982.

The change involves a restructuring of the plan for financing and operating zone sites to serve the area's needs through a greater involvement of the private sector. The amended project will cover about 54 acres at four sites in Las Vegas and Clark County, Nevada.

Site 1 involves the 23-acre Las Vegas Convention Center, located at Desert Inn and Paradise Roads, Clark County. Zone procedures would be used for international trade shows, portions of the center to be activated with Customs approval. Site 2 is the 100,000 square-foot Cashman Field convention center, located at Las Vegas Boulevard North and Washington Avenue, Las Vegas, that would be used in the same way. Site 3 involves an industrial park site covering 25 acres at Paradise and Sunset Roads, Clark County. Space will be available for a variety of processing and distribution operations and for firms requiring separate facilities. Site 4 is a multi-user public warehouse, located at Sunset and Bermuda Roads, Clark County. The facility will offer 120,000 square feet for initial general-purpose zone activity.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the amended application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Max G. Willis, District Director, U.S. Customs Service, Pacific Region, 300 South Ferry Street, San Pedro, California 90731; and Colonel Paul W. Taylor, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053.

Comments concerning the amended application are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before November 30, 1982.

Copies of the new application as well as the original application are available for public inspection at each of the following locations:

U.S. Customs Service, International Arrivals Building, McCarran Airport, Las Vegas, Nevada 89111
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Constitution NW., Room 1519, Washington, D.C. 20230.

Dated: October 21, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-29514 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: November 18, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue to its conclusion November 19, 1982 in Room B841, Main Commerce Building.

AGENDA: General session.

- (1) Opening remarks by the Acting Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Nomination and election of a new Chairman.
- (4) A review of subcommittee activities: a. Memory and Media, b. Foreign Availability, c. Display and Terminals, and d. Export Regulations.
- (5) New business: Executive session.
- (6) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: October 19, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-29513 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 2908-185]

Announcement of Plans To Propose a Federal Information Processing Standard for a High Speed Channel Interface

Correction

In FR Doc. 82-27399 beginning on page 43995 in the issue of Tuesday, October 5, 1982, the date which appeared on page 43996, in the first column, the third complete paragraph, should have read February 2, 1983.

BILLING CODE 1505-01-M

National Voluntary Laboratory Accreditation Program (NVLAP) Quarterly Report (July 1-September 30, 1982)

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of the NVLAP quarterly report.

SUMMARY: The National Bureau of Standards (NBS) announces accreditation actions for the third quarter of 1982. In addition, the status of all NVLAP laboratory accreditation programs (LAPs) is summarized.

FOR FURTHER INFORMATION CONTACT:

Mr. John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234, (301) 921-3431. Those interested in using the services of a NVLAP accredited laboratory may obtain the latest copy of the list of test methods for which it is accredited either from the laboratory itself or from Mr. Locke at the address given above. Also available from Mr. Locke is a complete listing of NVLAP accredited laboratories with a corresponding list of the test methods for which each is accredited.

SUPPLEMENTARY INFORMATION:

Background

This report has been prepared in accordance with sections 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR Parts 7a, 7b, and 7c). In addition, to fulfill NVLAP requirements for monthly reporting of accreditation actions, notice of actions taken under NVLAP for the month of September is included in this report.

NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, and regulations that may be

applicable to their operations, including consumer protection and antitrust laws.

Accreditation is granted for a period of one year. All laboratories will have one of four anniversary dates, January 1, April 1, July 1, or October 1. All accreditation actions will be made during the month preceding each anniversary date. However, before it expires, accreditation may be terminated at the request of the laboratory or may be revoked due to violation of the accreditation criteria or other conditions of the laboratory's accreditation. The criteria are described in sections 7a.19-7a.30 of the NVLAP Procedures (46 FR 37034-37036, dated July 17, 1981).

New Accreditations Granted

Three laboratories were newly accredited during September 1982. The name and address of each laboratory and the test methods for which one year accreditation was granted are listed below. In each case accreditation is granted on October 1, 1982 and expires on September 30, 1983.

Apache Building Products Company, Attn: Dennis W. Rosato, 2025 East Linden Avenue, Linden, NJ 07036 Phone (201) 486-6723.

NVLAP code	Designation	Short title
01/D18	ASTM D1622.....	Apparent Density, Rigid Cellular plastics.
01/D21	ASTM D2126.....	Response to Thermal and Humid Aging (Proc. E); Rigid Cellular Plastics.
01/D27	ASTM D2126.....	Response to Thermal and Humid Aging (Proc. C); Rigid Cellular Plastics.
01/S11	ASTM D1621.....	Compressive Properties; Rigid Cellular plastics (Proc. A-Crosshead).
01/T06	ASTM C518.....	Thermal Transmission Properties; Heat Flow Meter.

Quikrete Technical Center, Attn: Tom E. Pecuil, 2250 Stephenson Road Lithonia, GA 30058, Phone (404) 482-7301.

NVLAP code	Designation	Short title
02/M01	ASTM C31.....	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172.....	Sampling Fresh Concrete.
02/P01	ASTM C143.....	Slump of Portland Cement Concrete.
02/W01	ASTM C138.....	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231.....	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39.....	Compressive Strength of Cylindrical Concrete Specimens.

Stratton Laboratories, Attn: Jack Kilgore, P.O. Box 1007, Cartersville, GA 30120, Phone (404) 382-9351.

NVLAP code	Designation	Short title
03/S01	ASTM D1335.....	Tuft Bind of Floor Coverings.
	Federal test method.....	Textile Test Method—Breaking Strength.
	Standard 191-5100.....	Textile Test Method—Delamination.
03/F03	DoC FF1-70.....	Methanamine Pill Test.
03/F04	ASTM E648.....	Radiant Panel (Carpet).

Additional Test Methods

In a letter dated August 13, 1982, Mr. Bart Gauger of the California Energy Commission's Building and Appliance Standards Office requested that NBS add the test methods listed below to the Insulation LAP:

ASTM D2126, Procedure G

California Energy Commission Tests for Insulating Materials:

Corrosiveness of Mineral Fiber Blankets and Loose Fill
Bond Strength of Spray Applied Cellulose
Bond Deflection of Spray Applied Cellulose
Air Erosion of Spray Applied Cellulose
Installed Compressed Thickness

NBS has deemed such additions suitable and is including these tests as part of the LAP. Copies of the California testing procedures will be available upon request. Application requests for these test methods should be addressed to Mr. Locke.

Laboratory Whose Accreditation Was Renewed During the Third Quarter of 1982

Reaccreditation was granted to the following laboratory during the third quarter of 1982, for one or more test methods available under NVLAP. The laboratory received a certificate of accreditation and a corresponding list of test methods for which it was accredited. Anyone who wishes to know which test methods the laboratory is accredited for should contact the laboratory directly or Mr. Locke.

General Testing Laboratories, Inc., 1517 Walnut Street, Kansas City, MO 64108

Insulation LAP Status

The LAP for thermal insulation materials has 62 test methods for which accreditation may be granted. Forty-one laboratories are currently accredited to perform one or more of these test methods.

Concrete LAP Status

The LAP for freshly mixed field concrete has two groups of test methods and one optional test method for which accreditation can be granted. Fifty-one laboratories are currently accredited under the Concrete LAP.

Carpet LAP Status

The LAP for carpet has 12 test methods for which accreditation may be granted. Twenty-five laboratories are currently accredited for one or more of these test methods.

LAPs Under Development

Stove LAP—NVLAP offered a laboratory accreditation program (LAP) for solid fuel room heaters (Stove LAP) for the first time last spring. There are six laboratories participating in the first round of accreditation. Requests for accreditation during the second round are now being accepted. On-site assessments at the participating laboratories were begun in August and it is expected that the laboratory visits will be completed by mid-October.

Proficiency testing for the LAP was conducted during the month of September. Each participant purchased a specific stove for testing and conducted several of the fire tests from UL 1482 as part of the proficiency testing requirements. Because this is a new proficiency program, data analysis will probably not be completed until late November. Results of the proficiency program will be reported in a NVLAP Tech Brief.

Dosimetry LAP—Draft criteria interpretation documents and assessment forms have been circulated for review and are presently being finalized. A draft LAP Handbook will be ready for circulation soon. Letters were sent to over 100 persons to determine their interest in serving as technical experts to assess and evaluate applicant dosimetry processors. Over 15 of these persons have indicated a positive interest in serving as technical experts. Efforts continue to obtain the services of a testing laboratory to conduct the proficiency testing for this LAP.

Electromagnetic Calibration Services LAP—A draft LAP Handbook will be ready for circulation soon. Final details for the proficiency testing and the relationship of a Measurement Assurance Program are being worked out. A notice announcing the formal establishment of this LAP is expected in the fourth quarter of 1982.

Window and Door LAP—A Preliminary Finding of Need to Accredite Laboratories That Test Window and Door Products was published in the

Federal Register on August 24, 1982 (47 FR 36875-36878). The notice requested comments to determine whether there is a need to establish a LAP for window and door product testing. The deadline for submission of comments is October 25, 1982. A Summary and Analysis Report of Request for Laboratory Accreditation Program for Testing Window and Door Products was filed with the Department of Commerce (DOC) Central Reference and Records Inspection Facility (CRRIF), Room 6628, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, DC for public inspection and copying. NBS has received eight comments on the preliminary finding of need.

A final finding of need to proceed or withdraw the request for LAP to accredit laboratories that test window and door products is expected to be published during the fourth quarter of 1982.

Acoustics LAP—The announcement of the establishment of a laboratory accreditation program (LAP) for laboratories that provide acoustical testing services was published in the Federal Register on September 10, 1982 (47 FR 39874-39878). The notice provides information, for interested laboratories, on requesting an application, enrollment, test methods, fees, and other conditions of participation in the accreditation process.

All laboratories that submit an application and the required fee by October 29, 1982, will be scheduled for an initial on-site visit as part of the first group of laboratories to be considered for accreditation under the Acoustics LAP. Laboratories whose application for accreditation are postmarked after the above date will be evaluated in subsequent on-site visits.

Dated: October 20, 1982.

Raymond G. Kammer,
Acting Director, National Bureau of Standards.

[FR Doc. 82-28059 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Taking of Marine Mammals; Modification No. 1 To Permit No. 277

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 277 issued to Dr. Charles L. Ortiz, University of California at Santa Cruz, Santa Cruz, California 95064, on

November 7, 1979 (44 FR 65805), is hereby modified to extend the period of authorized activities for three years. No increase in numbers of animals is authorized.

Accordingly, Section A-1 is deleted and replaced by:

"1. A total of 5,670 northern elephant seals (*Mirounga angustirostris*) may be taken as described in the application."

and, Section B-6 is deleted and replaced by:

"6. This permit is valid with respect to the taking authorized herein until December 31, 1985."

This modification becomes effective upon publication in the Federal Register.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 21, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-29545 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-22-M

Taking of Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

- a. Name: Gregory Dean Kaufman and Roger Kevin Wood (P254A).
- b. Address: Pacific Whale Foundation, P.O. Box 1038, Makena, Maui, Hawaii 96753.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Humpback whale (*Megaptera novaeangliae*), 250.

4. Type of Take: Potential harassment.

5. Location of Activity: Waters of Hawaiian Islands.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the Federal Register, the

Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 20, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-29544 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Travel and Tourism Administration.

Title: International Air Traveler Survey.

Type of request: New.

Burden: 83,000 respondents; 13,800 reporting hours.

Needs and uses: These statistics will be used by Federal, State, and local governments and the various segments of the private travel industry for development of marketing/facilitative programs aimed at the international travel market to/from the U.S.

Affected public: Passengers on international flights of scheduled airlines departing from U.S. airports.

Frequency: Monthly.

Respondent's obligation: Voluntary.

OMB Desk Officer: Ken Allen, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Ken Allen, OMB desk officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer, Office of Information Management.

[FR Doc. 82-29512 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Proposed Additions

Correction

In FR Doc. 82-28394, appearing on page 46128, on Friday, October 15, 1982, in the third column, under "Class 8415" in the third line "5923" should read "5023".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Performance Awards (Bonuses) in the Senior Executive Service; Defense Contract Audit Agency

SUMMARY: This notice announces the intent of the Defense Contract Audit Agency to grant performance awards (bonuses) to members of the Senior Executive Service in recognition of performance achievements during the 1982 performance rating period.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger D. Kriesch, Personnel Management Specialist, Office of the Director of Personnel, Defense Contract Audit Agency, Department of Defense, Cameron Station, Alexandria, VA (202) 274-5798 or 274-5799.

SUPPLEMENTARY INFORMATION: The publication of a notice at least 14 days prior to the scheduled date for awarding

bonuses is required by the U.S. Office of Personnel Management guidelines.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 22, 1982.

[FR Doc. 82-29528 Filed 10-26-82; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

EXTENSION

Industrial Plant Equipment Replacement Analysis Worksheet (DD Form 1106)

The DD Form 1106 is used by Defense Contractors and in-house activities to perform the required economic analysis for replacement of industrial plant equipment. This economic analysis compares operating and capital costs of the existing equipment with those of the proposed replacement equipment to assure judicious expenditure of Defense funds.

DoD contractor and in-house activities: 170 responses; 6,800 hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Mr. John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of DD Form 1106 and instructions may be obtained from Mr. John R. King, Defense Industrial Resources Support Office, Two Skyline Place, Suite 1406, 5203 Leesburg Pike,

Falls Church, Virginia 22041, (202) 756-2310.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

August 22, 1982.

[FR Doc. 82-29527 Filed 10-20-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Upward Bound Program; Application Notice for New Awards for Fiscal Year 1983

Applications are invited for new awards under the Upward Bound Program.

Authority for this program is contained in sections 417A and 417C of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070d, 1070d-1a)

The Secretary is authorized to make grants under this program to institutions of higher education, public and private agencies and organizations, and, in exceptional cases, to secondary schools.

The purpose of the grant awards is to permit applicants to carry out projects designed to generate in participants the skills and motivation necessary for success in education beyond high school.

Closing date for transmittal of applications: An application for a new award must be mailed or hand delivered by December 23, 1982.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.047 (Upward Bound), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use the registered mail or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The Secretary is accepting applications for up to three years of funding. However, the Department of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting multi-year funding must submit information that shows why a multi-year project is needed; a detailed work plan and budget for the first year of the project; and an outline of the work plan and an estimate of the Federal funds needed for each additional year requested.

The Secretary approves requests for the additional year(s) if:

1. The Congress has appropriated sufficient funds under the program;
2. The Secretary believes that the grantee will satisfactorily complete the budget period that is about to end;
3. The grantee has submitted all required reports that must be submitted before the date of the continuation award; and
4. Continuation of the project is in the best interest of the Federal Government.

The applications for new awards will be evaluated competitively under the selection criteria for new awards, 34 CFR 645.31, published in the Federal Register on March 3, 1982, 47 FR 9158-9168. In addition, applicants that have been funded within the three previous years may receive additional points on the basis of their prior experience. The prior experience section of the application will be evaluated on the basis of the provisions in 34 CFR 645.32, that were published in the Federal Register on June 8, 1982, 47 FR 24938-24945.

Suggestions for fiscal year 1983 applicants for upward bound funds: Experience has shown that the most successful Upward Bound projects have certain common characteristics. These

characteristics can be summarized as follows:

(1) Projects which have a strong institutional, local, or private sector commitment to their objectives. This often takes the form of in-kind or cash contributions to enhance the opportunities made available to Upward Bound students.

(2) Projects which work closely with and are fully endorsed by the local education agency(ies) in the target area served by the project.

(3) Projects which provide mechanisms for continually monitoring student performance, both in project sponsored academic programs and in regular course work being undertaken in high school.

(4) Projects which follow-up on their Upward Bound graduates by monitoring the progress and performance of those who have entered postsecondary education.

(5) Projects which make a point to acknowledge and reward secondary school academic achievement, and in some instances postsecondary accomplishments, of current or former Upward Bound students.

(6) Projects which give priority to the strengthening of basic and higher level skills of their Upward Bound participants in mathematics, science, English language literacy in reading, writing, and speaking, and foreign language literacy.

Therefore, in recognition of these characteristics of successful program practices, the Secretary encourages all applicants to address the ways and means by which such practices will be part of the objectives and overall project design for the proposed Upward Bound project.

Application preparation workshops: The Department of Education will conduct Application Preparation Workshops to assist prospective applicants to develop applications for the Upward Bound Program. Each workshop will be a half day long. The presentation will include a review of the requirements for filing applications for the Upward Bound Program and a review of the program regulations. In addition, there will be a discussion of the suggested application development guide and the technical review evaluation form. Time will be provided for questions and answers. Each workshop will begin with registration at 8:30 a.m. and presentations are scheduled from 9:00 a.m. to 12 noon. There is no registration fee for the workshops.

The scheduled dates and locations are as follows:

November 10—New York, New York

Columbia University, McMillin Theater, 116 St. and Broadway

Contact Person: Mr. Larry Dais, Office of Government Relations and Community Affairs (212) 280-4469

November 15—Atlanta, Georgia

Atlanta University Center, Robert W. Woodruff Center, Exhibition Hall—Upper Level, 111 Chestnut Street, S.W. [Corner of Chestnut and Beckwith Streets]

Contact Person: Mr. Marvin King, Morris Brown College (404) 525-7831 ext. 250

November 16—Chicago, Illinois

Roosevelt University, Ganz Recital Hall, Room 745, 430 S. Michigan Avenue

Contact Person: Ms. Roberta Fireman, Executive Assistant to the Dean of Faculty (312) 341-3615

November 17—Denver, Colorado

State Capitol, Supreme Court Room, Colfax and Sherman

Contact Person: Ms. Dot Wolfe, Department of Education (303) 837-4295

November 18—San Francisco, California

University of San Francisco, Parina Lounge, University Center, Main Entrance, Golden Gate Avenue and Kitteridge

Contact Person: Mr. Robert Norris, Upward Bound Project (415) 666-6376

Available funds: The President's Fiscal Year 1983 budget request proposes \$24,900,000 to be made available for Upward Bound grants. It is estimated that these funds could support approximately 175 awards.

Although processing of new applications will proceed on this basis it should be noted that the final level of funding will not be known until the Congress takes final action on the Fiscal Year 1983 budget.

Application forms: Applications forms and program information packages are expected to be ready for mailing by November 8, 1982. Application packages will not automatically be mailed to all institutions of higher education. However, they will be mailed to all currently funded Special Programs projects. Application packages may be obtained by contacting the Division of Student Services, Information Systems and Program Support Branch, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone number: (202) 245-7070.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Secretary further suggests that only the

information required by the application form be submitted.

Applicable regulations: Regulations applicable to this program are: (a) Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78; and (b) Regulations governing the Upward Bound Program (34 CFR Part 645) that were published in the *Federal Register* on March 3, 1982 (47 FR 9158-9168) and on June 8, 1982 (47 FR 24938-24945).

Further information: For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone number: (202) 245-2511.

(20 U.S.C. 1070d, 1070d-1a)

Dated: October 21, 1982.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84.047—Upward Bound Program)

[FR Doc. 29523 Filed 10-26-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82-CERT-015]

Atlas Powder Co.; Application for Recertification of the Use of Natural Gas to Displace Fuel Oil

Correction

In FR Doc. 82-28635, appearing on page 46565, on Tuesday, October 19, 1982, in the heading, "Atlas Power Co." should have read "Atlas Powder Co."

BILLING CODE 1505-01-M

[ERA Docket No. 82-Cert-018]

GTE Products Corp.: Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 8, 1982, GTE Products Corporation (GTE), 1120 Connecticut Avenue, N.W., Suite 900, Washington, D.C. 20036, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 730 million cubic feet of natural gas which is expected to displace the use of approximately 4,700,000 gallons (111,905 barrels) of No. 6 fuel oil (0.72 percent sulfur) and

approximately 215,000 gallons (5,120 barrels) of No. 4 fuel oil (0.44 percent sulfur) per year at its glass manufacturing facilities in Versailles, Kentucky.

The eligible seller of the natural gas is Global Petroleum Partners, 1411 Bryan Avenue, Lexington, Kentucky 40503. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkel Avenue, S.E., Charleston, West Virginia 25325; and Columbia Gas of Kentucky, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

Because of the time-sensitive nature of GTE's arrangements with respect to the natural gas involved in this application, GTE has requested that the certification be issued expeditiously in order that GTE may be in a position, at the earliest possible date, to make the necessary final arrangements to purchase the natural gas and to displace the full volumes of fuel oil.

The ERA has carefully reviewed GTE's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that GTE's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6144, RG-64, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of fuel oil, and it is in the public interest to maximize the displacement of fuel oil. The application also states that the arrangements to purchase this natural gas must be made final by October 31, 1982, at the latest, to avoid the possibility of losing the gas supply entirely.

Given the circumstances related to the availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to permanently lose this opportunity to displace large volumes of fuel oil while public comments are being solicited.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Natural Gas Branch, Room 6144, RG-64, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, Attention: Paula Daigneault, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to GTE and any persons filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., October 20, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-29427 Filed 10-26-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-25-000]

Arizona Public Service Co.; Notice of Filing

October 21, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company on October 12, 1982, tendered for filing Amendment No. 1 dated September 10, 1982, to the Interruptible Transmission Service Agreement between San Diego Gas and Electric Company (San Diego) and Arizona Public Service Company (APS).

Waiver is requested under the provisions of Section 35.11 so that this Amendment becomes effective on November 1, 1982 in accordance with the terms of the Agreement.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 28395 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-71-004]

Central Illinois Public Service Co.; Notice of Compliance Filing

October 20, 1982.

The filing Company submits the following:

Take notice that on October 5, 1982, Central Illinois Public Service Company filed revised rate schedules for the Company's Rates W-2 and W-3 and revised cost of service in support thereof (Schedule E). Such filings are made pursuant to the Commission's orders in Opinion Nos. 142 and 142-A, issued July 12, 1982 and September 30, 1982, respectively.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, on or before November 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29409 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-1-000]

Children's Hospital and Health Center; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 21, 1982.

On October 1, 1982, Children's Hospital and Health Center, 8001 Frost Street, San Diego, California 92123, filed with the Federal Energy Regulatory

Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility is under construction at Children's Hospital and Health Center, at the above address. The primary energy source to the facility will be natural gas. The facility will consist of three diesel engines and three 350 kilowatt generators. Total net electric power production capacity of the facility will be 1030 kilowatts. Waste heat will be recovered for use in heating and cooling applications. Installation of the facility began in the summer of 1982.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29396 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-588-000]

Florida Power & Light Co.; Notice of Refund Report

October 20, 1982.

The filing Company submits the following:

Take notice that on October 4, 1982, Florida Power & Light Company filed a refund report pursuant to the Commission's letter order of August 26, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29410 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-29-000]

Florida Power & Light Co.; Notice of Filing

October 21, 1982.

The filing Company submits the following:

Take notice that on October 12, 1982, Florida Power & Light Company (FP&L) tendered for filing Revised Amendments to Agreements to Provide Specified Transmission service between FP&L and the various parties for which FP&L transmits power and energy for interchange transactions. In addition, FP&L tendered for filing a Revised Amendment Number Two to the February 14, 1980 Contract between FP&L and Jacksonville Electric Authority for Transmission of Power and Energy in the Implementation of the Power Sale Agreement between Jacksonville Authority and Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; and Southern Company Services, Inc., and a Revised Amendment Number One to the January 28, 1977 Agreement to Provide Specified Transmission Service between FP&L and the Utilities Commission of the City of New Smyrna Beach, Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29397 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2024-000]

Regina E. Herzlinger; Application

October 21, 1982

The filing individual submits the following:

Take notice that on October 5, 1982, Regina E. Herzlinger, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Monongahela Power

Company ("Monongahela")

Director—The Potomac Edison

Company ("Potomac")

Director—West Penn Power Company

("West Penn")

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29398 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-30-000]

Idaho Power Co.; Filing

October 21, 1982

The filing Company submits the following:

Take notice that on October 13, 1982, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electronic Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during August, 1982, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company,

Supplement 10

Sierra Pacific Power Company,

Supplement 8

Washington Water Power Company,

Supplement 7

Southern California Edison Company,

Supplement 7

San Diego Gas & Electric Company,

Supplement 4

City of Burbank, Supplement 6

City of Glendale, Supplement 6

City of Pasadena, Supplement 6

Los Angeles Water and Power

Company, Supplement 6

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-29399 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-23-000]

Kansas City Power & Light Co.; Filing

October 21, 1982.

The filing Company submits the following:

Take notice that on October 12, 1981, Kansas City Power & Light Company (KCPL) tendered for filing proposed changes in its contracts with the following two wholesale customers:

1. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County), FPC No. 69

2. United Electric Cooperative, Inc. (United), FPC No. 84

KCPL states that Coffey County and United have assigned all rights, title and interest in their respective contracts to Kansas Electric Power Cooperative, Inc. (KEPCo), and that the purpose of this filing is to change the customer names in the respective contracts from Coffey County and United to KEPCo.

KCPL states that the proposed effective date for such changes is January 1, 1982, the effective date of the assignments, and KCPL requests waiver of the Commission's notice requirements in order to effect the stated tariff changes.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29411 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP73-224-003]

**Kansas-Nebraska Natural Gas Co., Inc.;
Petition To Amend**

October 20, 1982.

Take notice that on August 25, 1982,¹ Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP73-224-003 a petition to amend the order issued August 28, 1973,² as amended, in Docket No. CP73-224 pursuant to Section 7(c) of the Natural Gas Act so as to authorize increases and decreases in Winter Period Service sales with a total 2,675 Mcf per day increase, a 279 Mcf per day decrease in contract demand under Rate Schedule CD-1, and changes to reflect the priorities set forth in Petitioner's permanent curtailment plan, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner contends that two of its wholesale customers have requested increases in demand based on growth in their market areas. Minnesota Gas Company requests a Winter Period Service increase of 2,140 Mcf and Northwestern Public Service Company seeks an increase of 1,089 Mcf. Petitioner additionally states that Natural Gas Distributing Company

(NGD) and Northern Natural Gas Company (Peoples Natural Gas Division) have requested Winter Period Service demand decreases of 289 Mcf and 265 Mcf respectively. The total changes in Winter Period Service demand nominations are proposed to increase 2,675 Mcf. It is stated that pursuant to NCD's request Petitioner proposes to implement a reduction in NGD's CD-1 contract demand by 279 Mcf.

Petitioner also seeks to amend the original certificate to reflect the priorities set forth in its permanent curtailment plan. Petitioner asserts its permanent curtailment plan is set forth in Section 13.b of its FERC Gas Tariff and that it became effective on January 1, 1982. It is submitted that under Petitioner's permanent curtailment plan, Priority 1 applies to residential customers and small commercial customers using less than 50 Mcf on a peak day; Priority 2 covers essential agricultural users; Priority 3 is available for commercial customers having peak day requirements of more than 50 Mcf, except for boiler fuel customers who use more than 300 Mcf on a peak day. Further, it is said that feedstock and process gas customers using no more than 500 Mcf on a peak day, and customers who require gas for flame stabilization and ignition fuel in boilers fired by other fuels also fall within Priority 3. It is asserted that Priority 4 is reserved for essential industrial process and feedstock customers having peak day requirements in excess of 500 Mcf, and Priority 5, which consists of five steps or categories of use, applies to boiler fuel use of more than 300 Mcf on a peak day and other industrial uses having peak day requirements of more than 500 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29400 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF82-231-000]

**Kenvil Energy Corp.; Application for
Commission Certification of Qualifying
Status of a Small Power Production
Facility**

October 21, 1982.

On September 29, 1982, Kenvil Energy Corp., 400 Morris Avenue, Denville, New Jersey 07834, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located near an anthracite refuse bank in Schuylkill County, Pennsylvania. The primary energy source to the facility will be coal refuse material which the Applicant characterizes as "waste." Natural gas or fuel oil will be used as supplementary fuel. The electric power production capacity of the facility will be 15 megawatts. No other small power production facilities owned by the Applicant will be located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29401 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

¹The application was initially tendered for filing on August 25, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 26, 1982; thus, filing was not completed until the latter date.

²This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. FR 83-28-000]

Long Island Lighting Co.; Filing

(October 21, 1982.)

The filing Company submits the following:

Take notice that Long Island Lighting Company on October 12, 1982, tendered for filing a supplement to FERC Rate Schedule No. 15 with the Incorporated Village of Freeport which recalculates the fuel cost adjustment provision that is applicable to energy sales made under this rate schedule.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29402 Filed 10-26-82; 8:48 am]

BILLING CODE 6717-01-M

[Docket No. ER83-22-000]

Long Island Lighting Co.; Filing

(October 21, 1982)

The filing Company submits the following:

Take notice that Long Island Lighting Company (LILCO) on October 12, 1982, tendered for filing changes in its FERC Rate Schedule 29, pursuant to which LILCO sells power to the Incorporated Village of Rockville Centre, Long Island, New York. The changes reflect changes that LILCO has been permitted by the New York State Public Service Commission to make in the rates it charges retail customers under its SC2-MRP (Large General and Industrial Service with Multiple Rate Periods) and which by operation of FERC Rate Schedule 29 are applicable to the power LILCO sells to Rockville Centre. The filing covers seven changes that occurred between August 24, 1978 and May 7, 1982.

Copies of the filing were served upon the Village of Rockville Centre and the

New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29403 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST82-267-001 and ST82-267-000]

Louisiana Resources Co.; Self-Implementing Transaction and Petition for Waiver

(October 20, 1982.)

On March 19, 1982, Louisiana Resources Company (LRC) and Transcontinental Gas Pipe Line Corporation (Transco), entered into an exchange agreement. Under the agreement, LRC would transport up to 10,000 MMBtu equivalent of natural gas per day on behalf of Transco pursuant to Section 311(a)(2) of the Natural Gas Policy Act (NGPA). Although service under the agreement commenced on April 19, 1982, LRC did not make a timely report of this transaction pursuant to Sections 284.4 and 284.126 of the Commission's regulations.

On July 26, 1982, LRC filed a petition for a waiver of these rules to permit the late filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such petitions or protests should be filed on or before November 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for the public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29413 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-169-008]

Michigan Wisconsin Pipe Line Co. Petition To Amend

(October 19, 1982.)

Take notice that on October 8, 1982, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-169-008 a petition to amend the order issued September 25, 1979, as amended, pursuant to Section 7(c) of the Natural Gas Act, so as to extend Petitioner's authorization to transport natural gas for Natural Gas Pipeline Company of America (Natural) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for a period of one year through October 31, 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner submits that by orders issued on Docket Nos. CP66-110 *et al.*, Midwestern Gas Transmission Corporation (Midwestern) and Great Lakes Gas Transmission Company (Great Lakes) were authorized to import from Canada a total of 132,000,000 Mcf of natural gas for a period ending October 31, 1982. Petitioner further states that approximately 67,000,000 Mcf of the gas authorized for import have been imported and sold and that, to enable the balance of the authorized quantity to be imported and sold and that, to enable the balance of the authorized quantity to be imported and sold, Midwestern and Great Lakes have filed a joint petition to amend their authorizations. Petitioner indicates that Midwestern sells a portion of the imported volumes to Natural and Tennessee, and Petitioner provides transportation services which enables Natural and Tennessee to receive said gas. It is alleged that the authorization for that transportation service expired on October 31, 1982. Petitioner proposes to continue these transportation services until October 31, 1983.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29414 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP66-121-022, CP79-161-005, and CP66-112-006]

**Midwestern Gas Transmission Co.;
Great Lakes Gas Transmission Co.;
Petition To Amend**

October 19, 1982.

Take notice that on September 22, 1982, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, and Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP66-121-022, CP66-112-006, and CP79-161-005 a joint petition to further amend the orders issued September 25, 1979, as amended, in these dockets pursuant to Sections 3 and 7(c) of the Natural Gas Act, so as to extend to October 31, 1983, Petitioners' authorization to import, transport and sell on an interruptible basis the remainder of the 132,000,000 Mcf of natural gas previously authorized to be imported and sold by October 31, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners submit that by order issued September 25, 1979, as amended, Midwestern was authorized in Docket No. CP66-112 to import 114,000,000 Mcf of gas with a daily volume limit of 600,000 Mcf at two points on the United States-Canada border, near Emerson, Manitoba, and near Niagara Falls, New York, that in Docket No. CP66-121 Great Lakes was authorized to sell 18,000,000 Mcf of gas to be imported by Great Lakes to Midwestern at the Emerson inter-connection pursuant to a gas purchase contract dated November 17, 1978, as amended, and that in Docket No. CP66-161 Midwestern was authorized to sell such imported gas to

Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), and Natural Gas Pipeline Company of America (Natural).

It is stated that since the September 25, 1979, order the Petitioners have imported and sold approximately 67,000,000 Mcf of the 132,000,000 Mcf of gas authorized. Petitioners assert that the remaining 65,000,000 Mcf of the total volume authorized cannot be imported by the authorized termination date of October 31, 1982. It is therefore requested that the above-described importation, sale, and transportation of natural gas authorizations be extended for a one-year period to October 31, 1983. Midwestern further requests that its gas resale arrangements with Tennessee, Northern, and Natural be amended to permit the continuation of the sales until October 31, 1983.

Petitioners assert that the natural gas would only be imported when needed in United States markets and that such gas would be transported through the use of existing facilities and on a best-efforts interruptible basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29415 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-27-000]

Niagara Mohawk Power Corp.; Filing

October 21, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 12, 1982, tendered for filing as a

rate schedule, an agreement between Niagara and the Power Authority of the State of New York (PASNY) dated April 22, 1982.

Niagara presently has on file an agreement with PASNY dated January 15, 1963. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 22. This new agreement is being transmitted as a supplement to the existing agreement.

The original January 15, 1963 agreement states that Niagara will provide backup power when requested by PASNY so that PASNY can maintain an uninterrupted supply of interruptible power and energy to its aluminum reduction customers in the St. Lawrence Area. Niagara will supply the energy at a power rate not to exceed 80,000 kilowatts at any time prior to January 1, 1993 and at the rate of 40,000 kilowatts for the remainder of the agreement when and if Niagara can supply the power and energy from its generating facilities, contract resources or its interconnections without necessitating an interruption to its customers. This supplement revises the rate for emergency power as provided for in terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1982.

Copies of the filing were served upon Power Authority of the State of New York and Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29416 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-26-000]**Niagara Mohawk Power Corp.; Filing**

October 21, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 12, 1982, tendered for filing as a rate schedule, an agreement between Niagara and the Rochester Gas and Electric Corporation (Rochester) dated July 20, 1982.

Niagara presently has on file an agreement with Rochester dated April 12, 1973. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 76. This new agreement is being transmitted as a supplement to the existing agreement.

The original April 12, 1973 agreement states that Niagara will provide for the transmission of power and energy to and from the Power Authority of the State of New York at the Blenheim-Gilboa Pumped Storage Plant for Rochester. This supplement revises the rate to be paid by Rochester for the use of Niagara's facilities. In addition, the monthly charge will be updated on October 1 of each succeeding year using Niagara's most recent annual fixed charges. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of October 1, 1982.

Copies of the filing were served upon the Rochester Gas & Electric Corporation and Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29404 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-21-000]**Ohio Edison Co.; Filing**

October 20, 1982.

The filing Company submits the following:

Take notice that on October 8, 1982, Ohio Edison Company (Ohio) tendered for filing an application to effect the operation of the tax adjustment clause contained in its FERC Electric Schedule No. 140 and in its FERC Electric Tariff Original Volume No. 1.

Ohio states that the application would have tax adjustment provisions effected to recover additional gross receipts taxes imposed by the State of Ohio in November of 1981. The amount of the tax increase attributable to municipal resale customers for the year ending April 30, 1982 is \$284,539. Ohio Edison proposes to begin recovering the additional taxes effective December 1, 1982 by a percentage added to customers monthly invoices. Ohio further states that the effect of the application would be a .71% increase in the amount collected for the year ended April 30, 1982. There would be no change in return to Ohio as such dollars collected will be paid out to the State of Ohio.

Copies of this filing were served upon the Public Utilities Commission of Ohio and the Municipal Wholesale Customers of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29417 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-20-000]**Pacific Power & Light Co.; Filing**

October 20, 1982.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on October 8, 1982, tendered for filing, revised Appendix 1 for the state of Montana. Pacific's Revised Appendix 1 for the average system cost for the state of Montana is applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of May 27, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Bonneville Public Service Commission of the state of Montana and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 and 385.214). All such motions or protests should be filed on or before November 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29418 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-76-000]**Pacific Power & Light Co.; Application**

October 20, 1982.

Take notice that on October 14, 1982, Pacific Power & Light Company (Pacific) filed an amendment to its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell not more than 5,000,000 shares of its common stock¹ and (2) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make any protest with reference to this revised application should, on or before October 31, 1982, file with the Federal Energy Regulatory Commission,

¹ Pacific's original filing with the Commission requested authority to issue no more than 2,500,000 shares of common stock.

Washington, D.C. 20426, petitions to intervene or protest in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29405 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-510-000]

**Panhandle Eastern Pipe Line Co.;
Trunkline Gas Co.; Application**

October 22, 1982.

Take notice that on August 25, 1982, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-510-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Kansas Power & Light Company (KP&L), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have contracted to transport 20,000 Mcf of natural gas per day on a firm basis and up to an additional 10,000 Mcf of natural gas per day on an interruptible basis to Consumers Power Company (Consumers) for the account of KP&L from Reno County, Kansas, to an existing Consumers-Trunkline interconnection. It is stated Panhandle would receive the gas near Haven, Reno County, Kansas, and Trunkline would redeliver the gas near Elkhart County, Indiana, during summer injection periods (April 1 through October 31). It is further stated that during winter withdrawal periods (November 1 through March 31), Consumers would deliver to Trunkline for the account of KP&L at the existing Consumers-Trunkline interconnection near Elkhart county, Indiana, 35,000 Mcf of gas per day on a firm basis and up to an additional 15,000 Mcf of gas per day on an interruptible basis, and that Panhandle would in turn deliver gas to KP&L in Reno County, Kansas.

KP&L would pay Applicants a monthly charge of \$117,800 for the firm basis transportation service and 19.34 cents per Mcf for the interruptible basis transportation service during the summer injection periods. It is stated that there would also be an excess/deficiency charge of 19.34 cents per Mcf. It is further stated that Trunkline would

deliver thermally equivalent volumes to Consumers less the five percent fuel usage on Panhandle's system and less one percent fuel usage of Trunkline's system. During the winter withdrawal periods, KP&L would pay Applicants a monthly charge of \$41,300 for the firm basis transportation service and 3.89 cents per Mcf for the interruptible basis transportation service. There would be an excess/deficiency charge of 3.89 cents per Mcf during the winter withdrawal periods.

It is indicated that the subject gas would be stored by Consumers for KP&L.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29406 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-24-000]

**Public Service Company of Indiana,
Inc.; Filing**

October 21, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on October 12, 1982, tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. and Indianapolis Power & Light Company a Seventh Supplemental Agreement.

Said Supplemental Agreement establishes a new delivery point known as the 106 Street Tap Point and extends service for a five year period at the Carmel Tap Point.

Copies of the filing were served upon Indianapolis Power & Light Company and the Public Service Commission of Indiana.

Public Service Company of Indiana, Inc. has requested waiver of the Commission's notice requirement to permit an effective date of June 1, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29407 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6619-001]

**Raeford Hydropower Corp.; Exemption
From Licensing**

October 22, 1982.

A notice of exemption from licensing of a small hydroelectric project known as Raeford Dam Hydroelectric Project, Project No. 6619, was filed on August 27, 1982, by Raeford Hydropower Corporation. The proposed hydroelectric project would have an installed capacity of 800 kW and would be located on

Rockfish Creek, at Upchurch's Pond, in Cumberland County, North Carolina.

Pursuant to Sections 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of September 27, 1982.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 82-29408 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-229-000]

**Raymond and Phyllis Kvamme;
Application for Commission
Certification of Qualifying Status of a
Small Power Production Facility**

October 21, 1982.

On September 27, 1982, Raymond and Phyllis Kvamme of RR #6, Decorah, Iowa, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 10 kW wind installation located in Decorah, Iowa. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the same site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9412 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-7-000]

**San Diego Solar Concept, I, Ltd.;
Application for Commission
Certification of Qualifying Status of a
Cogeneration Facility**

October 21, 1982.

On October 12, 1982, San Diego Solar Concepts I, Ltd., P.O. Box 20173, San Jose, California 95160, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in the Borrego Springs area of San Diego, California. The facility will consist of a maximum of 300 solar modules floating in cooling ponds. No oil or gas will be used in the facility. The electric power production capacity of the facility will be 300 kilowatts. Hot water produced in the coiling process will be sold for process use in a nearby plant. Installation of the facility will begin in December 1982. No electric utility, electricity utility holding company or any combination thereof has any ownership in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29422 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-222-000]

**Synergics, Inc., Emporia, Va.;
Application for Commission
Certification of Qualifying Status of a
Small Power Production Facility**

October 21, 1982.

On September 13, 1982, Synergics, Inc., of at 1444 Foxwood Court, Annapolis, Maryland 21401, filed with the Federal Energy Regulatory

Commission (Commission) an application for certification of a facilities as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 2700 kW hydroelectric installation located in Emporia, Virginia. Applicant states that no other hydroelectric facility owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29419 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-220-000]

**Synergics, Inc., High Bridge, N.J.;
Application for Commission
Certification of Qualifying Status of a
Small Power Production Facility**

October 21, 1982.

On September 13, 1982, Synergics, Inc., of 1444 Foxwood Court, Annapolis, Maryland 21401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 600 kW hydroelectric installation located in High Bridge, New Jersey. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene

or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions of protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29420 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF82-221-000]

**Synergics, Inc., Halifax, Va.;
Application for Commission
Certification of Qualifying Status of a
Small Power Production Facility**

October 21, 1982.

On September 13, 1982, Synergics, Inc., of 1444 Foxwood Court, Annapolis, Maryland 21401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 1300 kW hydroelectric installation located in Halifax, Virginia. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29421 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. QF82-212-000, QF82-213-000,
QF82-214-000]

**Wehran Energy Corp., Pelham Bay,
Holtsville Landfill, Horseblock Rd.;
Amendment to Notices of Application
for Commission Certification of
Qualifying Status of Small Power
Production Facilities**

October 20, 1982.

In Dockets No. QF82-212-000, QF82-213-000 and QF82-214-000 appearing in the *Federal Register* issue of September 29, 1982 on pages 42798 and 42799, the electric power production capacity of each facility was identified as 500 kilowatts. While applicant stated that the initial installation at each facility will have a capacity of 500 kilowatts, applicant also stated that capacity additions might be made at each facility if sufficient biomethane gas is available. Therefore, the Notice is amended to state that the maximum electric power production capacities at the Pelham Bay and Horseblock Road facilities will be 5,000 kilowatts and at the Holtsville Landfill facility will be 3,000 kilowatts.

In view of this amendment, the comment period specified in the original notice is extended by 15 days.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29423 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Volume 758]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 21, 1982.

JD NO	JA DKT	API NO	U SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
RECEIVED: 09/23/82 JA: PA								
-ADDOE OIL & GAS CORPORATION	8257294	15229	3706326913	103	STANLEY CHILENSKI #1	COMMODORE	24.0	COLUMBIA GAS TRAN
RECEIVED: 09/23/82 JA: PA								
-ALCOVE INVESTMENTS	8257295	15365	3706320697	108	LOUIS J BILAN JR #1	NORTH MAHONING	10.0	APOLLO GAS CO
8257296	15366	3706320792	108	LOUIS J BILAN JR #2		10.0	APOLLO GAS CO	
8257297	15367	3706321894	108	LOUIS J BILAN JR #3		10.0	APOLLO GAS CO	
RECEIVED: 09/23/82 JA: PA								
-ANGERMAN ASSOCIATES INC	8257298	15157	37112921940	103	MARY E EARNEST #2 - WES-21940	W PA UPPER DEVONIAN S	25.0	PEOPLES NATURAL G
8257299	15158	37112900000	103	ORIO S & ELVA J STEEL #3-WES-21964	W PENNA - UPPER DEVON	15.0	COLUMBIA GAS TRAN	
RECEIVED: 09/23/82 JA: PA								
-ASHTOLA PRODUCTION CO	8257300	15233	3705120278	103	GLEN C HONSACKER #1	MASONTOWN	0.0	
RECEIVED: 09/23/82 JA: PA								
-ATLAS RESOURCES INC	8257301	15201	3706326856	103	LENTZ #1	GRANT	187.0	COLUMBIA GAS TRAN
8257303	15258	3706321559	107-TF	MIHALAK #1	SPRING	18.0	COLUMBIA GAS TRAN	
8257302	15242	3706325789	103	MOORE #1	MONTGOMERY	438.0	COLUMBIA GAS TRAN	
RECEIVED: 09/23/82 JA: PA								
-BOYD & SHRIVER	8257307	09456	3706324087	108	BISHOP #476	NORTH MAHONING	0.0	CONSOLIDATED GAS
8257315	15239	3706300000	108	BLOOM #341	N MAHONING	0.0	CONSOLIDATED GAS	
8257309	09505	3706323483	108	BOWERS #452	CANOE	0.0	CONSOLIDATED GAS	
8257306	02131	3706321649	108	BROWN #402	GRANT	0.0	CONSOLIDATED GAS	
8257314	09510	3706323939	108	CLARK #485	CANOE	0.0	CONSOLIDATED GAS	
8257304	02015	3706322499	103	ELDER #427	E MAHONING	0.0	CONSOLIDATED GAS	
8257305	02111	3706322498	108	KNOX #430	N MAHONING	0.0	CONSOLIDATED GAS	
8257313	09509	3706323474	108	KOPAS #457	CANOE	0.0	CONSOLIDATED GAS	
8257312	09508	3706324091	108	KOPAS #487	CANOE	0.0	CONSOLIDATED GAS	
8257311	09507	3706323900	108	LEASURE #486	CANOE	0.0	CONSOLIDATED GAS	
8257310	09506	3706323478	108	TYGER #456	CANOE	0.0	CONSOLIDATED GAS	
8257308	09504	3706323534	108	WINEBARK #458	CANOE	0.0	CONSOLIDATED GAS	
RECEIVED: 09/23/82 JA: PA								
-CARDINAL OIL CO	8257319	15191	3704900000	107-TF	A KUZMA #1 82-2 PA PER ERI-21605	CONNEAUT	0.0	NATIONAL FUEL GAS
8257321	15194	3704921915	107-TF	A MATASOWSKI #1 82-4 PER ERI-21915	CONNEAUT	0.0	NATIONAL FUEL GAS	
8257322	15379	3704921892	107-TF	D CAMP #1 82-5 PA PER ERI-21892	CONNEAUT	0.0	NATIONAL FUEL GAS	
8257323	15380	3704921893	107-TF	D CAMP #2 82-6 PA PER ERI-21893	CONNEAUT	0.0	NATIONAL FUEL GAS	
8257320	15192	3704921885	107-TF	E BROOKS #1 82-1 PA PER ERI-21885	CONNEAUT	0.0	NATIONAL FUEL GAS	
8257318	12144	3706320620	107-TF	S DILLINGER #1 80-5 PER CRA-20620	CONNEAUT	0.0	COLUMBIA GAS TRAN	
RECEIVED: 09/23/82 JA: PA								
-CASTLE GAS CO INC	8257326	15038	3706324006	108	A CHUMOK #1 (C-469) IND-24006	YOUNG TOWNSHIP	5.3	INDUSTRIAL ENERGY
8257331	15043	3706323912	108	A H MIKESELL #2 (C-447) IND-23912	WHITE TOWNSHIP	11.5	COLUMBIA GAS TRAN	
8257327	15039	3706324678	108	CLEARFIELD BIT COAL CORP #1 (C-578)	WHITE TOWNSHIP	19.5	PEOPLES NATURAL G	
8257332	15044	3706324158	108	D E RISINGER #1 (C-487) IND-24158	CENTER TOWNSHIP	30.0	COLUMBIA GAS TRAN	
8257328	15040	3706323916	108	E EVANS #1 (C-448) IND-23916	WHITE TOWNSHIP	7.5	COLUMBIA GAS TRAN	

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257324	15295	3706325514	103		F KOLB #4 (C-283) IND-25514	YOUNG TOWNSHIP	55.0	COLUMBIA GAS TRAN
8257329	15041	3706323972	108		HALLIBURTON #1 (C-454) IND-23972	CENTER TOWNSHIP	13.0	COLUMBIA GAS TRAN
8257330	15042	3706324071	108		R D HENRY #3 (C-473) IND-24071	EAST MAHONING TOWNSHIP	20.9	PEOPLES NATURAL GAS
8257325	15296	3706326689	103		R S HENRY #4 (C-750) IND-26689	YOUNG TOWNSHIP	50.0	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	09/23/82	JA: PA		
8257347	15261	3705120295	103		BENJAMIN C & TWILA L SUMAY 620748	PENNSYLVANIA SJ SHALL	12.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	09/23/82	JA: PA		
8257346	15241	3703300215	108		ANTONIO J PALUMBO WN-714	CENTRAL	15.0	GENERAL SYSTEM PU
8257341	15169	3703321256	103		D G SPENCER #1 WN 1896	FERGUSON TOWNSHIP	14.0	GENERAL SYSTEM PU
8257340	15168	3703321216	103		D SPENCER #2 WN 1895	PENN TOWNSHIP	16.0	GENERAL SYSTEM PU
8257336	15164	3706326555	103		DONALD HICKOK #1 WN 1881	GREEN TOWNSHIP	4.7	GENERAL SYSTEM PU
8257335	15371	3703321202	102-2		E M WATT #1 WN-1892	FERGUSON TOWNSHIP	18.0	GENERAL SYSTEM PU
8257338	15166	3703321202	103		E M WATTS #1 WN-1892	FERGUSON TOWNSHIP	18.0	GENERAL SYSTEM PU
8257337	15165	3703321201	103		MARSHALL-BELL UNIT #1 WN 1891	FERGUSON TOWNSHIP	7.3	GENERAL SYSTEM PU
8257344	15231	3703300057	108		PENNA STATE TRACT #43 WN-1236	GOSHEN	20.0	GENERAL SYSTEM PU
8257342	15170	3703321259	103		R L SPENCER #1 WN 1897	FERGUSON TOWNSHIP	23.0	GENERAL SYSTEM PU
8257334	15369	3703321259	102-2		R L SPENCER #1 WN-1897	FERGUSON TOWNSHIP	24.0	GENERAL SYSTEM PU
8257333	15368	3703321251	102-2		SNYDER-SCHROTT #1 WN 1898	FERGUSON TOWNSHIP	36.0	GENERAL SYSTEM PU
8257343	15171	3703321251	103		SNYDER-SCHROTT #1 WN 1898	FERGUSON TOWNSHIP	36.0	GENERAL SYSTEM PU
8257339	15167	3703321232	103		V O BARRETT #1 WN 1893	FERGUSON TOWNSHIP	15.0	GENERAL SYSTEM PU
8257345	15235	3703320529	108		WILLIAM BARR WN 1315	BRADY TOWNSHIP	18.0	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & MCC-LOUDEN				RECEIVED:	09/23/82	JA: PA		
8257348	15232	3706521284	108		ROBERT A KECK 175-2		4.0	COLUMBIA GAS OF P
-DELTA DRILLING CO				RECEIVED:	09/23/82	JA: PA		
8257350	15360	3706326760	103		MURDICK-MORGAN #4 IND 26760	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257353	15363	3706326860	103		R J HAINES #1 26860	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257354	15364	3706326822	103		R ST CLAIR #2 IND 26822	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257351	15361	3706326823	103		R ST CLAIR #4 IND 26823	CHERRYHILL FLD	0.0	COLUMBIA GAS TRAN
8257352	15362	3706326820	103		T M RHODES #1 IND 26820	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257349	15226	3706326784	102-2		W M BECK #3 IND 26784	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO				RECEIVED:	09/23/82	JA: PA		
8257356	15203	3712921912	103		F N STONER TRUST 761-6	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8257357	15263	3712922053	103		FRANK L SMITH 1590-3	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8257355	15262	3712922042	102-2		SOUTHMORELAND SCHOOL DISTRICT 748-4	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:	09/23/82	JA: PA		
8257360	15357	3706323937	108		BLAIR SMELTZER #1 K-L-15	UPPER DEVONIAN SANDS	30.0	INDUSTRIAL GAS SA
8257361	15358	3706322153	108		EARL HUFFMAN #1 K-L-56	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL GAS
8257362	15359	3706324207	108		H WALLACE POLLOCK #1 K-L-63	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8257358	15236	3706324955	108		J & L MOBILE HOMES #1 KL-45	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8257359	15237	3706323998	108		R PHILIPPE #1 KL-42	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
-ENERGY PRODUCTION CO				RECEIVED:	09/23/82	JA: PA		
8257365	15225	3706326621	103		CHARLES ALTEMUS #2	NOLU MOUNTAIN	12.8	COLUMBIA GAS TRAN
8257363	15034	3706326471	103		JOHN SPARDELLA #1	NOLU MOUNTAIN	22.3	COLUMBIA GAS TRAN
8257364	15224	3706326814	103		PHILIP NIBERT #1	NOLU MOUNTAIN	30.4	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	09/23/82	JA: PA		
8257367	15173	3704921548	107-TF		C CROWELL #1	CORRY	18.0	NATIONAL FUEL GAS
8257368	15174	3704921322	107-TF		J HIPPS #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8257369	15227	3704921873	107-TF		L ALLEN #3	WATERFORD	18.0	COLUMBIA GAS TRAN
8257370	15228	3704921797	107-TF		M ALLEN #2	WATERFORD	18.0	COLUMBIA GAS TRAN
8257366	15172	3704921805	107-TF		W MCCRAY #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
-EPSILON 1980 S T JOINT VENTURE				RECEIVED:	09/23/82	JA: PA		
8257371	15289	3703321029	103		FINK #1	KNOX	25.0	COLUMBIA GAS TRAN
-FELMONT OIL CORPORATION				RECEIVED:	09/23/82	JA: PA		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	VOLUME	758	PAGE	003	PROU	PURCHASER
8257373	15314	3702120123	102-2		MARTIN L BEARER #19 F-309	DRISCOLL HOLLOW					0.0	
8257372	15313	3703321134	102-2		MARTIN L BEARER #26 F-320	DRISCOLL HOLLOW					0.0	
8257374	15315	3702120148	102-2		VINCENT CARPINELLO #2 F-339	DRISCOLL HOLLOW					0.0	
-FOX OIL & GAS INC												
8257381	15211	3703326196	102-2	RECEIVED: 09/23/82	DALE E MYERS #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257380	15210	3706324926	102-2		EDWARD FURMAN #2	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257377	15207	3706324645	102-2		ELMER LEAMER #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257378	15208	3706324971	102-2		GEORGE BAKER #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257382	15212	3706326466	102-2		GEORGE BAKER #3	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257383	15213	3706326363	102-2		GERALD FLEMING #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257379	15209	3706324945	102-2		GREEN TWP COM ASSOC	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257376	15205	3706324434	102-2		NESBIT SHAFER #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257375	15204	3706326421	102-2		R CHERNISKY #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
8257384	15161	3706326421	103		R CHERNISKY #1	GREEN TOWNSHIP					25.5	COLUMBIA GAS TRAN
-GULF OIL CORPORATION												
8257423	15083	3703330000	108	RECEIVED: 09/23/82	BEATTY LEITHA #1	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257431	15091	3703320423	108		BELL #1	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257422	15082	3703300000	108		DAISHER WM #1	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257429	15089	3703300000	108		FEE "A" #16	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257428	15088	3703300000	108		FEE "A" #17	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257430	15090	3703300000	108		FEE "A" #2	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257414	15074	3703300000	108		FEE "A" #20	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257413	15073	3706520824	108		FEE "A" #25	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257435	15045	3703323507	108		FEE "A" #26	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257412	15072	3703300000	108		FEE "A" #29	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257411	15071	3703300000	108		FEE "A" #32	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257410	15070	3703300000	108		FEE "A" #36	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257409	15069	3703300000	108		FEE "A" #37	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257408	15068	3703300000	108		FEE "A" #38	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257407	15067	3703300000	108		FEE "A" #40	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257406	15066	3703300000	108		FEE "A" #41	REED-DEEMER					9.1	NATIONAL FUEL GAS
8257405	15065	3703300000	108		FEE "A" #42	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257404	15064	3703300000	108		FEE "A" #43	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257403	15063	3703300000	108		FEE "A" #44	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257402	15062	3703300000	108		FEE "A" #45	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257401	15061	3703300000	108		FEE "A" #47	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257400	15060	3703300000	108		FEE "A" #50	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257399	15059	3703300000	108		FEE "A" #52	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257398	15058	3703300000	108		FEE "A" #57	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257397	15057	3703300000	108		FEE "A" #58	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257396	15056	3703300000	108		FEE "A" #60	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257395	15055	3703300000	108		FEE "A" #61	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257394	15054	3703300000	108		FEE "A" #63	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257393	15053	3703300000	108		FEE "A" #64	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257392	15052	3703300000	108		FEE "A" #68X	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257391	15051	3703300000	108		FEE "A" #80	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257386	15046	3703300000	108		FEE "A" #85	REED-DEEMER					11.0	NATIONAL FUEL GAS
8257387	15047	3703300000	108		FEE "A" #92	REED-DEEMER					11.0	NATIONAL FUEL GAS
8257388	15048	3703300000	108		FEE "A" #97	REED-DEEMER					6.0	NATIONAL FUEL GAS
8257389	15049	3703300000	108		FEE "A" #98	REED-DEEMER					6.0	NATIONAL FUEL GAS
8257390	15050	3703300000	108		HICKOCK #2	REED-DEEMER					2.0	NATIONAL FUEL GAS
8257427	15047	3703300000	108		HICKOCK STELLA #1	REED-DEEMER					3.3	NATIONAL FUEL GAS
8257425	15045	3703320384	108		IRVIN B W #3	REED-DEEMER					3.3	NATIONAL FUEL GAS

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JD NO	JA DKT	API NO	D SEC(1)	SLOC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257424	15084	3703320422	108		IRVIN B W #5	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257421	15081	3706523369	108		MCCLURE H & L #2	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257420	15080	3706520300	108		MCCLURE HARRIET #1	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257419	15079	3706520299	108		MCCLURE HARRIET #2	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257418	15078	3706520329	108		MCCLURE HARRIET #3	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257417	15077	3706520000	108		MCCLURE HARRIET #4	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257416	15076	3706520000	108		MCCLURE HARRIET #6	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257415	15075	3706520000	108		MCCLURE HARRIET #7	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257426	15286	3703300000	108		PARRISH KATHRYN #1	REED-DEEMER	2.0	NATIONAL FUEL GAS
- J & J ENTERPRISES INC								
8257444	15223	3706522010	108		JAMES W KINTER #1	PUNXSUTAWNEY BORO	6.5	CONSOLIDATED GAS
8257441	15156	3703321242	103		M KOVALCHICK #26 (85A)	BRADY	0.0	COLUMBIA GAS TRAN
8257438	15153	3703321275	103		MIKE KOVALCHICK #28 (85A)	BRADY	0.0	COLUMBIA GAS TRAN
8257443	15292	3703321276	103		MIKE KOVALCHICK #29 (108A)	BRADY	0.0	COLUMBIA GAS TRAN
8257437	15154	3703321224	103		R & P COAL CO #16 (58A)	BANKS	0.0	COLUMBIA GAS TRAN
8257439	15152	3703321225	103		R & P COAL CO #11 (8A)	BRADY	0.0	COLUMBIA GAS TRAN
8257440	15155	3703321248	103		R & P COAL CO #23 (45A)	BRADY	0.0	COLUMBIA GAS TRAN
8257442	15291	3703321249	103		R & P COAL CO #27 (86A)	BRADY	0.0	COLUMBIA GAS TRAN
8257434	13334	3703321207	102-4		THOMAS DUKE #1 (70A)	BURNSIDE	0.0	CONSOLIDATED GAS
8257436	13335	3703321208	102-4		THOMAS DUKE #2 (70A)	BURNSIDE	0.0	CONSOLIDATED GAS
8257435	13335	3703321209	102-4		THOMAS DUKE #3 (70A)	BURNSIDE	0.0	CONSOLIDATED GAS
8257433	13136	3706326237	102-4		V W SMITH - M J BAKER #1 (11A)	MONTGOMERY	0.0	CONSOLIDATED GAS
- JAMES DRILLING CORP								
8257432	15240	3706320831	108		9/23/82 JA: PA	BANKS	2.5	CONSOLIDATED GAS
- KALTSAS OIL CO								
8257445	14901	3704921710	103		J W BROOKS #1	NORTH EAST FIELD HORN	15.0	COLUMBIA GAS TRAN
8257448	14900	3704900000	103		HERBERT MILLER #2	NORTH EAST FIELD HORN	15.0	COLUMBIA GAS TRAN
8257446	14902	3704900000	103		HERBERT MILLER #2	NORTH EAST FIELD HORN	13.0	COLUMBIA GAS TRAN
8257449	14903	3704900000	103		LEO GORNIAN #1	NORTH EAST FIELD HORN	12.0	COLUMBIA GAS TRAN
8257447	14904	3704921753	103		LEO GORNIAN #1	NORTH EAST FIELD HORN	12.0	COLUMBIA GAS TRAN
8257450	14905	3704921753	103		RICHARD APPLEBEE #3	NORTH EAST FIELD HORN	12.0	COLUMBIA GAS TRAN
- KAPPA S T JOINT VENTURE 81								
8257451	15288	3703321268	103		RICHARD APPLEBEE #3	NORTH EAST FIELD HORN	25.0	COLUMBIA GAS TRAN
- KEYSTONE ENERGY OIL & GAS PRODUCTION								
8257452	14259	3703322673	103		DANVIR #1	NONE	81.3	PEOPLES NATURAL G
- MERIDIAN EXPLORATION CORP								
8257453	15294	3703321481	103		FULMER #1-A	JAY FULMER	30.0	NATIONAL FUEL GAS
8257454	11639	3703321481	103		9/23/82 JA: PA	CAMBRIDGE SPRINGS	30.0	NATIONAL FUEL GAS
- MERIDIAN OIL & GAS ENT INC								
8257455	15199	3704921625	103		VENANGO VAL INN & GOLF COURSE 595-1	CONNEAUT	7.0	NATIONAL FUEL GAS
8257456	15270	3704921625	103		VENANGO VAL INN & GOLF COURSE 595-1	CONNEAUT	7.0	NATIONAL FUEL GAS
- MID-EAST OIL CO								
8257466	09521	3712921613	108		107-TF AMOS K FLINT #1	BLAIRSVILLE	20.0	PEOPLES NATURAL G
8257463	15322	3706326740	103		107-TF AMOS K FLINT #1	BOLIVAR	24.0	
8257464	15323	3706326739	103		107-TF AMOS K FLINT #1	BOLIVAR	24.0	
8257462	15321	3706322451	103		EDWARD J GOLLA	REYNOLDSVILLE	18.0	
8257465	15324	3706326297	103		EUGENE PATTERSON #1	ROCHESTER MILLS	30.0	
8257457	15316	3712921942	103		GLENN C STEELE #1	SALTSBURG	47.0	
8257458	15317	3712921943	103		GLENN C STEELE #2	SALTSBURG	45.0	
8257461	15320	3706522453	103		JOHN H LINGENFELTER #1	PUNXSUTAWNEY	38.0	
8257460	15319	3706522269	103		JOHN R LELLOCK #1	PUNXSUTAWNEY	26.0	
8257459	15318	3712921969	103		KENNETH B WALKER #1	SALTSBURG	18.5	
- MITCHELL ENERGY CORPORATION								
					9/23/82 JA: PA			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	VOLUME	PAGE	PROD	PURCHASER
8257467	15260	3703921456	103		F S URBANICK #1	LINEVILLE (MEDINA)/WH	0.0	005	0.0	COLUMBIA GAS TRAN
8257468	15259	3703921456	107-TF		F S URBANICK #1	LINEVILLE (MEDINA)/WH	0.0		0.0	COLUMBIA GAS TRAN
-MONROE RESOURCES LTD										
8257469	15148	3712330603	102-2		M MANWARING #5	FREEHOLD	20.0		20.0	COLUMBIA GAS TRAN
8257470	15149	3712330603	107-TF		M MANWARING #5	FREEHOLD	20.0		20.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP										
8257529	15128	3706500000	108		A COOK SONS CO #X-101	BARNETT TOWNSHIP	0.8		0.8	GENERAL SYSTEM PU
8257530	15129	3706500000	108		A COOK SONS CO #X-104	BARNETT TOWNSHIP	0.7		0.7	GENERAL SYSTEM PU
8257531	15120	3706500000	108		A COOK SONS CO #X-124	BARNETT TOWNSHIP	0.7		0.7	GENERAL SYSTEM PU
8257537	15136	3703100000	108		A COOK SONS #X-72	FARMINGTON TOWNSHIP	0.7		0.7	GENERAL SYSTEM PU
8257536	15135	3703100000	108		A COOK SONS CO #X-79	FARMINGTON TOWNSHIP	0.5		0.5	GENERAL SYSTEM PU
8257535	15134	3703100000	108		A COOK SONS CO #X-80	FARMINGTON TOWNSHIP	0.6		0.6	GENERAL SYSTEM PU
8257485	15004	3706500000	108		A W LATHROP #2157	HEATH TOWNSHIP	4.7		4.7	GENERAL SYSTEM PU
8257484	15002	3706500000	108		A W LATHROP #2160	HEATH TOWNSHIP	3.3		3.3	GENERAL SYSTEM PU
8257495	15028	3706500000	108		A W LATHROP #796	HEATH TOWNSHIP	2.1		2.1	GENERAL SYSTEM PU
8257543	15195	3704700000	108		ALLEG NAT FOREST #1223-P	HIGHLAND TOWNSHIP	1.4		1.4	GENERAL SYSTEM PU
8257544	15196	3704700000	108		ALLEG NAT FOREST #5989	JONES TOWNSHIP	4.0		4.0	GENERAL SYSTEM PU
8257514	15111	3704700000	108		ALLEGHENY NAT'L FOREST #1213P	HIGHLAND TOWNSHIP	1.6		1.6	GENERAL SYSTEM PU
8257515	15112	3704700000	108		ALLEGHENY NAT'L FOREST #1246P	HIGHLAND TOWNSHIP	1.4		1.4	GENERAL SYSTEM PU
8257476	14956	3704700000	108		ALLEGHENY NATL FOR #1238-P	HIGHLAND TOWNSHIP	1.6		1.6	GENERAL SYSTEM PU
8257473	14953	3704700000	108		ALLEGHENY NATL FOR #1248-P	HIGHLAND TOWNSHIP	0.2		0.2	GENERAL SYSTEM PU
8257477	14957	3704700000	108		ALLEGHENY NATL FOR #1254-P	HIGHLAND TOWNSHIP	0.8		0.8	GENERAL SYSTEM PU
8257474	14954	3704700000	108		ALLEGHENY NATL FOR #1269-P	HIGHLAND TOWNSHIP	1.7		1.7	GENERAL SYSTEM PU
8257488	15018	3704720972	108		ALLEGHENY NATL FOREST #1304-P	HIGHLAND TOWNSHIP	0.7		0.7	GENERAL SYSTEM PU
8257550	15221	3708300000	108		ARMSTRONG FOREST CO FARM #4851	SERGEANT TOWNSHIP	1.2		1.2	GENERAL SYSTEM PU
8257539	15138	3706500000	108		C RODGERS #817	HEATH TOWNSHIP	5.5		5.5	GENERAL SYSTEM PU
8257534	15133	3703100000	108		COOK FOREST ST PK #X-145	FARMINGTON TOWNSHIP	1.0		1.0	GENERAL SYSTEM PU
8257532	15131	3703100000	108		COOK FOREST ST PK #X-152	FARMINGTON TOWNSHIP	2.1		2.1	GENERAL SYSTEM PU
8257531	15130	3703100000	108		COOK FOREST ST PK #X-154	FARMINGTON TOWNSHIP	0.6		0.6	GENERAL SYSTEM PU
8257528	15127	3703100000	108		COOK FOREST ST PK #X-156	FARMINGTON TOWNSHIP	1.0		1.0	GENERAL SYSTEM PU
8257527	15126	3703100000	108		COOK FOREST ST PK #X-157	FARMINGTON TOWNSHIP	0.8		0.8	GENERAL SYSTEM PU
8257526	15125	3703100000	108		COOK FOREST ST PK #X-158	FARMINGTON TOWNSHIP	0.8		0.8	GENERAL SYSTEM PU
8257525	15124	3703100000	108		COOK FOREST ST PK #X-159	FARMINGTON TOWNSHIP	0.9		0.9	GENERAL SYSTEM PU
8257524	15123	3703100000	108		COOK FOREST ST PK #X-164	FARMINGTON TOWNSHIP	0.6		0.6	GENERAL SYSTEM PU
8257503	15096	3703100000	108		DAN DETAR #2845	WASHINGTON TOWNSHIP	0.2		0.2	GENERAL SYSTEM PU
8257545	15215	3706500000	108		DAVID REYNOLDS #377	WINSLOW TOWNSHIP	0.4		0.4	GENERAL SYSTEM PU
8257540	15139	3706500000	108		E CUMMINGS #2063	KNOX TOWNSHIP	0.3		0.3	GENERAL SYSTEM PU
8257506	15103	3706500000	108		G W DUNKLE #3539	HEATH TOWNSHIP	5.4		5.4	GENERAL SYSTEM PU
8257522	15121	3705300000	108		GILFILLAN #X-13	BARNETT TOWNSHIP	0.7		0.7	GENERAL SYSTEM PU
8257523	15122	3705300000	108		GILFILLAN ET AL #X-7	BARNETT TOWNSHIP	0.4		0.4	GENERAL SYSTEM PU
8257499	15092	3704700000	108		GRANT & HORTON #785-P	RIDGWAY TOWNSHIP	1.1		1.1	GENERAL SYSTEM PU
8257483	15001	3706521196	108		GRUBE & KUNTZ FARM #3512	HEATH TOWNSHIP	2.8		2.8	GENERAL SYSTEM PU
8257509	15106	3702300000	108		H A MOATE #2 #6199	GIBSON TOWNSHIP	4.4		4.4	GENERAL SYSTEM PU
8257478	14958	3704700000	108		HALLOCK #3813	SPRING CREEK TOWNSHIP	2.2		2.2	GENERAL SYSTEM PU
8257500	15093	3705300000	108		HAMMOND HEIRS #4818	TIONESTA TOWNSHIP	0.0		0.0	GENERAL SYSTEM PU
8257511	15108	3704720971	108		J A HYUE #5119	RIDGWAY TOWNSHIP	0.7		0.7	GENERAL SYSTEM PU
8257548	15219	3708300000	108		J BROWN & A MEDLANDER #5394	HAMILTON TOWNSHIP	0.3		0.3	GENERAL SYSTEM PU
8257549	15220	3708300000	108		J BROWN & A MEDLANDER #5395	HAMILTON TOWNSHIP	0.3		0.3	GENERAL SYSTEM PU
8257501	15094	3712100000	108		J E KEVERLINE #4622	PINEGROVE TOWNSHIP	0.5		0.5	GENERAL SYSTEM PU
8257541	15141	3704700000	108		J F REINHARD #4724	MILLSTONE TOWNSHIP	0.0		0.0	GENERAL SYSTEM PU
8257504	15101	3706500000	108		J T ENGLISH #737	HEATH TOWNSHIP	0.6		0.6	GENERAL SYSTEM PU
8257490	15022	3704700000	108		JERRY CRARY #482 P	SPRING CREEK TOWNSHIP	0.3		0.3	GENERAL SYSTEM PU
8257487	15017	3708300000	108		L D WETMORE #1040-P	HAMILTON TOWNSHIP	1.0		1.0	GENERAL SYSTEM PU

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JD NO.	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257498	15031	370300000	108		L D WETHORE #538-P	HAMILTON TOWNSHIP	0.9	GENERAL SYSTEM PU
8257499	15026	370650000	108		LATHROP & WYNKOOP #570	HEATH TOWNSHIP	2.5	GENERAL SYSTEM PU
8257518	15116	370470000	108		LIZZIE M HYDE #5013	MILLSTONE TOWNSHIP	1.0	GENERAL SYSTEM PU
8257482	14981	3704720504	108		LIZZIE M HYDE #5013	SPRING CREEK TOWNSHIP	4.8	GENERAL SYSTEM PU
8257513	15110	370490000	108		M & R FROMBACH #1614-P	CONNEAUT TOWNSHIP	0.5	GENERAL SYSTEM PU
8257480	14978	3706522699	108		M J LOWERS #2699	HEATH TOWNSHIP	8.3	GENERAL SYSTEM PU
8257520	15118	370650000	108		NATIE J LOWERS #3545	HEATH TOWNSHIP	7.5	GENERAL SYSTEM PU
8257517	15115	370470000	108		O W PROPER #424-P	HIGHLAND TOWNSHIP	2.0	GENERAL SYSTEM PU
8257533	15132	370310000	108		OBEN LAROSE #X-151	FARINGTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8257492	15025	3706521507	108		PA STATE FOREST #560	HEATH TOWNSHIP	3.0	GENERAL SYSTEM PU
8257494	15027	370650000	108		PA STATE FOREST #701	HEATH TOWNSHIP	4.3	GENERAL SYSTEM PU
8257496	15029	370650000	108		PA STATE FOREST #805	HEATH TOWNSHIP	3.4	GENERAL SYSTEM PU
8257497	15030	370650000	108		PA STATE FOREST #810	HEATH TOWNSHIP	3.3	GENERAL SYSTEM PU
8257471	15234	370470000	103		PA STATE FOREST SC-508	JONES	13.6	GENERAL SYSTEM PU
8257519	15117	370650000	108		PA STATE GAME LANDS #SC-429	HEATH TOWNSHIP	4.9	GENERAL SYSTEM PU
8257489	15020	370470000	108		PA STATE GAME LANDS #SC244	SPRING CREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8257516	15114	370470000	108		PA STATE GAME LANDS #SC397	HORTON TOWNSHIP	4.5	GENERAL SYSTEM PU
8257510	15107	370470000	108		PA STATE GAME LANDS #SC418	HORTON TOWNSHIP	2.9	GENERAL SYSTEM PU
8257486	15015	3706520769	108		PA STATE GAME LANDS #SC427	HEATH TOWNSHIP	3.7	GENERAL SYSTEM PU
8257472	14951	3704721212	108		PA STATE GAME LANDS #1210-P	HIGHLAND TOWNSHIP	0.6	GENERAL SYSTEM PU
8257475	14955	370470000	108		PA STATE GAME LANDS #1279-P	HIGHLAND TOWNSHIP	1.0	GENERAL SYSTEM PU
8257491	15024	3706522346	108		S T DOUGHERTY #377	HEATH TOWNSHIP	3.9	GENERAL SYSTEM PU
8257505	15102	370650000	108		SIMPSON LANDS CO #5590	POLK TOWNSHIP	2.0	GENERAL SYSTEM PU
8257479	14975	3706521235	108		STATE GAME LANDS #5891	SNYDER TOWNSHIP	1.2	GENERAL SYSTEM PU
8257547	15217	370650000	108		STATE GAME LANDS #5906	SNYDER TOWNSHIP	1.0	GENERAL SYSTEM PU
8257508	15105	370470000	108		STATE GAME LANDS FARM #5884	SPRING CREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8257512	15109	370650000	108		SULGER #5756	WARSAW TOWNSHIP	6.9	GENERAL SYSTEM PU
8257507	15104	370650000	108		T R ALLSHOUSE #3705	ROSE TOWNSHIP	1.1	GENERAL SYSTEM PU
8257625	15023	370470000	108		TERESIA DAVIS #SC78	BENZINGER TOWNSHIP	1.5	GENERAL SYSTEM PU
8257481	14979	3705321853	108		TINDALE & CARSON #2321	HICKORY TOWNSHIP	1.0	GENERAL SYSTEM PU
8257546	15216	370650000	108		W & D HENDERSON #3587	HEATH TOWNSHIP	4.1	GENERAL SYSTEM PU
8257502	15095	371210000	108		W T BAUM #3107	CRANBERRY TOWNSHIP	0.5	GENERAL SYSTEM PU
8257538	15137	370650000	108		WILLIAM MCKENDREE #X-166	BARNETT TOWNSHIP	1.5	GENERAL SYSTEM PU
8257542	15142	370630000	108		WM RAYMER FARM #5233	KEATING TOWNSHIP	0.1	GENERAL SYSTEM PU
-ROBERT BRACE FARMS								
8257316	14752	3704921869	102-2		RECEIVED: 09/23/82	WATERFORD	25.0	NATIONAL FUEL GAS
8257317	14753	3704921869	107-TF		MCCALL #3	WATERFORD	0.0	NATIONAL FUEL GAS
-S T JOINT VENTURE 81A								
8257609	15286	3703321176	103		RECEIVED: 09/23/82	JORDAN	25.0	COLUMBIA GAS TRAN
8257610	15287	3703321301	103		MCCALL #3	KNOX	25.0	COLUMBIA GAS TRAN
-T W PHILLIPS GAS & OIL CO								
8257577	15255	3706320487	108		SWISSTOCK #1	BURRELL	5.6	T W PHILLIPS GAS
8257570	15248	370630000	108		SWISSTOCK #1-SB	NORTH MAHONING	4.3	T W PHILLIPS GAS
8257590	15307	3706320759	108		JA: PA	WASHINGTON	4.2	T W PHILLIPS GAS
8257568	15246	3706320388	108		A & P TAMSULA #1	ARMSTRONG	3.2	T W PHILLIPS GAS
8257586	15303	3706322674	108		A I YOAS #2	ARMSTRONG	8.7	T W PHILLIPS GAS
8257582	15299	3706320452	108		A R FLEMING #1 - 104	ARMSTRONG	6.7	T W PHILLIPS GAS
8257569	15247	3706320688	108		A R FLEMING #2	ARMSTRONG	9.8	T W PHILLIPS GAS
8257557	15183	370650000	108		ALAN HOLSINGER #1	BRUSH VALLEY	6.2	T W PHILLIPS GAS
8257566	15244	3706320840	108		ANNIE L MOSER #2	OLIVER	8.5	T W PHILLIPS GAS
8257581	15298	370630000	108		BOYD CLAWSON #2	BLACKLICK	2.0	T W PHILLIPS GAS
8257575	15253	3706321153	108		BYRL JOHNSON #2	CONEMAUGH	5.6	T W PHILLIPS GAS
8257584	15301	3706320939	108		C F GAHAGEN #2	NORTH MAHONING	4.8	T W PHILLIPS GAS
					C LASSICK & G BEERS #1	CENTER		

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257611	15332	3712330911	102-2		D CURTIS #4	COLUMBUS	20.0	COLUMBIA GAS TRAN
8257612	15333	3712330911	107-TF		D CURTIS #4	COLUMBUS	20.0	COLUMBIA GAS TRAN
-VAR-GAS	EXPLORATION INC		RECEIVED:	09/23/82	JA: PA			
8257617	15293	3706326783	103		J DEWAYNE DILLS #1	BURRELL	0.0	T W PHILLIPS GAS
-VICTORY	DEVELOPMENT CO		RECEIVED:	09/23/82	JA: PA			
8257621	15283	3706326693	103		BATTEN #1 IND-26693	MONTGOMERY	36.0	COLUMBIA GAS TRAN
8257620	15282	3706326437	103		EDWARDS #1 IND-26437	MONTGOMERY	36.0	COLUMBIA GAS TRAN
8257623	15335	3706326599	103		W PA WATER CO #1 IND-26599	WHITE	36.0	COLUMBIA GAS TRAN
8257622	15334	3706326600	103		W PA WATER CO #2 IND-26600	WHITE	36.0	COLUMBIA GAS TRAN
8257624	15336	3706326601	103		W PA WATER CO #3 IND-26601	WHITE	36.0	COLUMBIA GAS TRAN
8257619	15281	3706326178	103		YARNAL #1 IND-36178	MONTGOMERY	36.0	ATLAS RESOURCES I
8257618	15280	3706326522	103		YARNAL #1B IND-26522	MONTGOMERY	36.0	ATLAS RESOURCES I

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denoted additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after

publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS leases
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
107-CB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29425 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 759]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 21, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								

RECEIVED: 09/23/82 JA: KS								

-COMANCHE PRODUCTION, INC.								
8257785	K-82-0679	1505300000	102-4	SVATY #2	ELLSWORTH		91.0	INTERNORTH INC

NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								

RECEIVED: 09/24/82 JA: NM								

-ALPHA TWENTY-ONE PRODUCTION CO								
8257790		3002527866	103	LANSFORD #5	PENROSE-SKELLY		70.0	EL PASO NATURAL G
8257791		3002527879	103	LANSFORD #6	PENROSE-SKELLY		70.0	EL PASO NATURAL G

-ARCO OIL AND GAS COMPANY								
8257787		3002509138	108	HALE (GAS) WN #1	JALMAT (YATES)		18.0	EL PASO NATURAL G
8257795		3004525149	107-TF	HOLLY #1	BASIN DAKOTA		25.0	EL PASO NATURAL G

-DUGAN PRODUCTION CORP								
8257793		3003930000	108-PB	SAN JUAN 28-7 UNIT #249	BASIN DAKOTA		0.0	EL PASO NATURAL G

-EL PASO NATURAL GAS COMPANY								
8257779		3002527661	102-3	NEW MEXICO "DA" STATE #2	UNDESIGNATED		542.7	LLANO INC
8257780		3001500000	102-2	PARDUE "30" COM #1	UND NO LOVING MORROW		803.6	

-MOBIL PROG TEXAS & NEW MEXICO INC								
8257786		3001510178	108-SA	BRAINARD GAS COM #2	ATOKA/PENN		16.4	PHILLIPS PETROLEU

-PHILLIPS PETROLEUM COMPANY								
8257778		3002508012	108	CHEM-STATE #1	TULK (WOLFCAMP)		1.0	WARREN PETROLEUM
8257777		3002524207	108	SANTA FE #125	VACUUM N (ABO)		1.0	EL PASO NATURAL G

-PHILLIPS PETROLEUM COMPANY								
8257789		3002527423	103	EAST VACUUM GB/SA UNIT TR 1982 #001	VACUUM GB/SA		4.0	EL PASO NATURAL G
8257788		3002527426	103	EV GB/SA UNIT TRACT 2206 #1	VACUUM GB/SA POOL		4.0	EL PASO NATURAL G

-RAULT PETROLEUM CORP								
8257783		3000561493	102-2	HANLAD STATE #1 (LG-0001)	WILDCAT-PENN		1500.0	EL PASO NATURAL G

-SHELL OIL CO								
8257792		3002500000	108-ER	STATE A #5	VACUUM GLORIETA		0.0	PHILLIPS PETROLEU

-SOUTHLAND ROYALTY CO								
8257794		3004525288	103	SAMMONS #2-E	BASIN		120.0	SOUTHERN UNION GA

-TEXACO INC								
8257781		3004508976	108	NEW MEXICO COM "JM" #1 (2ND FILING)	AZTEC-PICTURED CLIFFS		19.0	EL PASO NATURAL G
8257782		3004512158	108	NEW MEXICO COM "PM" #1	BASIN DAKOTA		15.1	NORTHWEST PIPELIN

OHIO DEPARTMENT OF NATURAL RESOURCES								

RECEIVED: 09/27/82 JA: OH								

-ATLAS ENERGY GROUP INC								
8257626		3413322340	103	107-TF BEAL #1	DEERFIELD		0.0	REPUBLIC STEEL CO

-ATWOOD RESOURCES INC								

RECEIVED: 09/27/82 JA: OH								

JD NO	JA	JA DT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	VOLUME	PAGE	PROC	PURCHASER
8257627			3407524851	103	107-TF	FRED WEEKLY #2	CLARK	14.0	302	14.0	COLUMBIA GAS TRAN
8257712			3415723509	103	RECEIVED: 09/27/82	JA: OH					
8257635			3416922532	D	107-TF	FAB-OHIO #1	UHRICHSVILLE	30.0		30.0	EAST OHIO GAS CO
8257636			3416922686	D	107-TF	MAN #2	FRANKLIN	12.0		12.0	COLUMBIA GAS TRAN
8257637			3416922687	D	107-TF	MAN #3	FRANKLIN	12.0		12.0	COLUMBIA GAS TRAN
8257639			3410522162	103	RECEIVED: 09/27/82	JA: OH					
8257638			3410522161	103	RECEIVED: 09/27/82	JA: OH					
8257640			3411926313	107-TF	RECEIVED: 09/27/82	JA: OH	SPRINGFIELD	11.0		11.5	COLUMBIA GAS TRAN
8257710			3415722217	103	RECEIVED: 09/27/82	JA: OH					
8257711			3415722236	103	107-TF	FRED GROH #1	BUCKS	12.8		12.8	EAST OHIO GAS CO
8257709			3407521712	103	107-TF	OTTO OTT #3	BUCKS	9.1		9.1	EAST OHIO GAS CO
8257641			3403124840	103	RECEIVED: 09/27/82	JA: OH	TRINWAY	10.0		10.0	
8257628			3404520806	103	RECEIVED: 09/27/82	JA: OH	NEW SALEM EAST	2.0		2.0	COLUMBIA GAS TRAN
8257629			3404520807	103	RECEIVED: 09/27/82	JA: OH	RICHLAND	2.0		2.0	COLUMBIA GAS TRAN
8257642			3403521142	107-TF	RECEIVED: 09/27/82	JA: OH	NORTH OLMSTED	2.0		2.0	COLUMBIA GAS TRAN
8257645			3412122258	D	107-TF	DUANE & SUE MANTEL #1	JEFFERSON	75.0		75.0	
8257643			3411522719	107-TF	RECEIVED: 09/27/82	JA: OH	ROKEY LOCK	14.4		14.4	COLUMBIA GAS TRAN
8257644			3411522721	107-TF	RECEIVED: 09/27/82	JA: OH	ROKEY LOCK	14.4		14.4	COLUMBIA GAS TRAN
8257646			3411522821	103	107-TF	D HANCHER #1	BRISTOL	20.0		20.0	COLUMBIA GAS TRAN
8257647			3411522822	103	107-TF	J L & P J WHITEHOUSE #1	BRISTOL	20.0		20.0	COLUMBIA GAS TRAN
8257648			3411922102	108	RECEIVED: 09/27/82	JA: OH		2.6		2.6	EAST OHIO GAS CO
8257649			3411922399	108	RECEIVED: 09/27/82	JA: OH		0.0		0.0	NATIONAL GAS & OI
8257651			3415522200	103	107-TF	CARMEL #3	BRISTOL	20.0		20.0	YANKEE RESOURCES
8257650			3415522181	103	107-TF	DETWEILLER #1	MESOPOTAMIA	20.0		20.0	YANKEE RESOURCES
8257653			3410322094	107-TF	RECEIVED: 09/27/82	JA: OH	LIVERPOOL	2.5		2.5	COLUMBIA GAS TRAN
8257652			3403521153	107-TF	RECEIVED: 09/27/82	JA: OH	OLMSTEAD	1.5		1.5	COLUMBIA GAS TRAN
8257654			3403124685	103	107-TF	LEE #1 WC	WARSAW	18.0		18.0	COLUMBIA GAS TRAN
8257655			3416923250	103	107-TF	RABER-WHITMAN #1	CRESTON	75.0		75.0	COLUMBIA GAS TRAN
8257656			3411926136	103	107-TF	L PRIOR #A1	LICKING	12.0		12.0	COLUMBIA GAS TRAN
8257658			3416722848	108	RECEIVED: 09/27/82	JA: OH		2.0		2.0	RIVER GAS CO
8257657			3416722835	108	RECEIVED: 09/27/82	JA: OH		1.0		1.0	RIVER GAS CO
8257659			3416722983	108	RECEIVED: 09/27/82	JA: OH		2.0		2.0	RIVER GAS CO
8257660			3415321140	103	107-TF	VAL HALLA SOMMER #3	TWINSBURG	0.0		0.0	
8257661			3415321140	103	RECEIVED: 09/27/82	JA: OH					

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257661		3408322522	108		HARLEY FRAZEE #2		1.0	COLUMBIA GAS TRAN
8257662		3408322514	108		HARLEY FRAZEE #3		1.0	COLUMBIA GAS TRAN
8257666		3411925686	D 103	RECEIVED: 09/27/82	CARSON-HARKNESS #1		6.0	NATIONAL GAS & OI
8257672		3413321930	D 107-RT	RECEIVED: 09/27/82	BURNETT #1		15.0	EAST OHIO GAS CO
8257668		3400721105	D 107-RT		NAGY #1		25.0	OHIO GAS CO
8257671		3400721110	D 107-RT		NAGY #2		25.0	OHIO GAS CO
8257670		3400721107	D 107-RT		SPURLOCK #1		25.0	OHIO GAS CO
8257669		3400721106	D 107-RT		SPURLOCK #2		25.0	OHIO GAS CO
8257678		3415522221	107-TF	RECEIVED: 09/27/82	GUTHRIE #4		20.0	COLUMBIA GAS TRAN
8257677		3415522220	107-TF		GUTHRIE #5		20.0	COLUMBIA GAS TRAN
8257679		3415522222	107-TF		GUTHRIE #6		20.0	COLUMBIA GAS TRAN
8257683		3411924362	108	RECEIVED: 09/27/82	CHARLES ELMORE #1		16.0	NATIONAL GAS & OI
8257680		3403122629	108		DENVER LAMP #1		0.0	NATIONAL GAS & OI
8257681		3403123485	108		DENVER LAMP #2		0.0	NATIONAL GAS & OI
8257682		3411521739	108		JOHN SULLIVAN #1		0.5	NATIONAL GAS & OI
8257684		3411925391	108		LARRY MITCHELL #1		2.0	NATIONAL GAS & OI
8257676		3416922726	103	RECEIVED: 09/27/82	DEWEY HARTMAN #1		12.0	COLUMBIA GAS TRAN
8257673		3410322223	103	107-TF	JOSEPH & ELIZABETH		12.0	COLUMBIA GAS OF O
8257674		3416922606	103	107-TF	RICHARD BAUMAN #1		12.0	COLUMBIA GAS TRAN
8257675		3416922608	103	107-TF	RICHARD BAUMAN #2		12.0	COLUMBIA GAS TRAN
8257691		3400722036	103	RECEIVED: 09/27/82	H & M FULLER #T-2		36.0	
8257690		3400722010	103	107-TF	HARTSTOCK #T-2		35.0	
8257686		3400721628	103	107-TF	KASHNER #T-1		18.0	
8257685		3400721621	103	107-TF	PAUL #T-1		33.0	
8257687		3400721807	103	107-TF	R HOLLEY #T-1		26.0	
8257688		3400721832	103	107-TF	R HOLLEY #T-2		26.0	
8257689		3400721833	103	107-TF	R HOLLEY #T-3		26.0	
8257692		3400722046	103	107-TF	ROBINSON-KAMPF #T-1		41.0	
8257696A		3416922807	103	RECEIVED: 09/27/82	ALBERT FATH #1		10.0	COLUMBIA GAS TRAN
8257696B		3416922807	D 107-TF		ALBERT FATH #1		10.0	COLUMBIA GAS TRAN
8257694A		3416922794	103		ELI J MAST #1		10.0	COLUMBIA GAS TRAN
8257694B		3416922794	D 107-TF		ELI J MAST #1		10.0	COLUMBIA GAS TRAN
8257695A		3416922796	103		LELAND KRATZER #1		12.0	COLUMBIA GAS TRAN
8257695B		3416922796	107-TF		LELAND KRATZER #1		12.0	COLUMBIA GAS TRAN
8257693A		3416922793	103		LLOYD LEHMAN #1		10.0	COLUMBIA GAS TRAN
8257693B		3416922793	D 107-TF		LLOYD LEHMAN #1		10.0	COLUMBIA GAS TRAN
8257702		3411921570	103	RECEIVED: 09/27/82	EPPLER UNIT #2		13.5	
8257703		3411921571	103	107-TF	FARMER UNIT #2		9.5	
8257704		3411921572	103	107-TF	FARMER UNIT #3		9.1	
8257707		3415722293	108		MERRICK #2		2.0	MB OPERATING CO I
8257701		3401921098	108		MOTZ-VISNICK #2		0.6	MB OPERATING CO I
8257700		3401921097	108		MOTZ-VISNICK #3		0.6	MB OPERATING CO I
8257699		3401921091	108		NEWELL #3-C		2.8	MB OPERATING CO I
8257698		3401921093	108		NEWELL #4-C		2.8	MB OPERATING CO I
8257697		3401920721	108		STEPHENSON-HADORN #1		1.8	MB OPERATING COMP

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257784	5562	3509300000	103		CONDREAY #1 (CHESTER & MS)		0.0	DELHI GAS PIPELIN
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA								

-AMINOIL USA INC					RECEIVED: 09/27/82	SHIP SHOAL	1095.0	TENNESSEE GAS PIP
8257774	G2-2742	1777140608	102-5		OCs-G-2453 #D-3 S/T	WEST CAMERON	2775.0	
-AMOCO PRODUCTION CO					RECEIVED: 09/27/82	WEST CAMERON	5475.0	
8257750	G2-3000	1770140095	102-1		OCs-G-4090 #A-3	WEST CAMERON	8200.0	
8257752	G2-3003	1770140083	102-1		OCs-G-4090 WELL #A-1	WEST CAMERON	7480.0	
8257740	G2-3004	1770140100	102-1		OCs-G-4398 #A-4D	WEST CAMERON	1380.0	
8257751	G2-3002	1770040485	102-1		OCs-G-4398 #A-6	EAST CAMERON	847.0	COLUMBIA GAS TRAN
-CHEVRON U S A INC					RECEIVED: 09/27/82	EAST CAMERON	1460.0	COLUMBIA GAS TRAN
8257771	G2-2790	1770340174	102-5		OCs-G-2853 #3	EAST CAMERON	3200.0	TENNESSEE GAS PIP
8257766	G2-2642	1770340182	102-5		OCs-G-2853 #6	EAST CAMERON	100.0	COLUMBIA GAS TRAN
-CONOCO INC					RECEIVED: 09/27/82	SHIP SHOAL	900.0	TRANSCONTINENTAL
8257743	G2-2530	1770340212	102-5		OCs-G-4109 #A-6	EUGENE ISLAND	10.0	NATURAL GAS PIPEL
-EXXON CORPORATION					RECEIVED: 09/27/82	MAIN PASS	135.3	SOUTHERN NATURAL
8257757	G2-2963	1770840544	102-1		OCs 0347 #3 (RECOMP)	SOUTH PASS	22.0	TRANSCONTINENTAL
-KERR-MCGEE CORPORATION					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257739	G2-3017	1771140589	107-OP		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-MARATHON OIL COMPANY					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257776	G2-2762	1770940477	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257758	G2-2777	1772440189	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-MOBIL OIL EXPLORATION & PROD S E					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257773	G1-2337	1772240034	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-SHELL OFFSHORE INC					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257742	G2-2770	1772540264	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257769	G2-2769	1772540268	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257763	G2-2772	1772540254	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-SHELL OIL CO					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257756	G2-2926	1770840184	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-SONAT EXPLORATION COMPANY					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257741	G2-2597	1770340371	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257755	G2-2826	1770340395	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-SUPERIOR OIL CO					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257749	G2-3033	1770040497	107-OP		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257748	G2-3032	1770040519	107-OP		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-TENNECO OIL COMPANY					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257764	G2-2697	1770000374	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257775	G2-2758	1770040240	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-TEXACO INC					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257746	G2-2667	1771940208	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-UNION OIL COMPANY OF CALIF					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257770	G2-2678	1770540482	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-ARCO OIL AND GAS COMPANY					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257754	G2-2994	4270140017	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257760	G2-2995	4270140018	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257761	G2-2996	4270140019	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
8257762	G2-2997	4270140020	102-1		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-EXXON CORPORATION					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP
8257744	G2-2658	4270940679	102-5		OCs 0347 #3 (RECOMP)	MAIN PASS	0.0	TENNESSEE GAS PIP
-PENNZOIL COMPANY					RECEIVED: 09/27/82	MAIN PASS	0.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257747	02-2706	4270940669	102-5		HIGH ISLAND A-499 #C-5	HIGH ISLAND AREA SOUT	2920.0	UNITED GAS PIPE L
8257772	02-2707	4270940682	102-5		HIGH ISLAND A-499 #C-6 ST	HIGH ISLAND AREA SOUT	5475.0	UNITED GAS PIPE L
-TENNECO OIL COMPANY					RECEIVED: 09/27/82 JA: TX 3			
8257737	02-3037	4270640070	102-1		GALVESTON AREA BLK 391 #A-5	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8257765	02-2980	4270640077	102-1		GALVESTON AREA BLOCK 391 #A-4	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8257738	02-3024	4270640074	102-1		GALVESTON AREA BLOCK 391 #A-7	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8257753	02-2984	4271540003	102-1		SABINE PASS 18 #B-1	SABINE PASS	5500.0	TENNESSEE GAS PIP
8257768	02-2983	4271540007	102-1		SABINE PASS 18 #B-2	SABINE PASS	3500.0	TENNESSEE GAS PIP
8257767	02-2982	4271540015	102-1		SABINE PASS 18 #B-5	SABINE PASS	7500.0	TENNESSEE GAS PIP
-UNION OIL COMPANY OF CALIF					RECEIVED: 09/27/82 JA: TX 3			
8257745	02-2656	4271140421	102-5		OCS-G 3248 #1	HIGH ISLAND EAST ADDI	575.0	TEXAS GAS TRANSMI

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the *Federal Register*.

Categories within each HGPS section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
107-CB: Geopressured brine
107-CS: Coal seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29425 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP82-47-000]

Review of Off-System Sales Program; Schedule for Public Conference

October 22, 1982.

In order to accommodate the large number of persons who have expressed an intent to participate in the informal public conference on the subject of the Commission's off-system sales policy, the conference has been scheduled for two days, Thursday, November 4, 1982, and Friday, November 5, 1982. In addition, the conference will begin at 9:00 a.m. instead of 10:00 as indicated in earlier notices.

The conference will be conducted by grouping the participants into the following discussion panels:

Thursday, November 4, 1982

9:00 a.m.—Natural Gas Pipeline Company of America, Texas Independent Producers and Royalty Owners Association, Associated Gas Distributors, Faustina Pipe Line Company, Houston Pipeline Company, Process Gas Consumers Group and The American Iron and Steel Institute, Wisconsin Public Service Commission, Texas Railroad Commission

10:30 a.m.—Northern Natural Gas Company, Michigan Wisconsin Pipeline Company, Cities Service Gas Company, East Tennessee Natural Gas Company, Consolidated Gas Supply Corporation, Columbia Gas Transmission Corporation

11:30 a.m.—Illinois Commerce Commission, Public Service Commission of Colorado, State of Michigan and Michigan Public Service Commission, New York Public Service Commission, Louisiana Commissioner of Conservation, Iowa State Commerce Commission, Texas Energy & Natural Resources Advisory Council

1:30 p.m.—Superior Oil Company, Pitts Oil Company, West Central Texas Oil & Gas Association, Gulf Oil Corporation, North Texas Oil & Gas Association Southern Union Gathering Company, RAW Energy Corporation, National Gypsum Energy Corporation, Texaco Inc.

3:00 p.m.—Cascade Natural Gas Corporation, Washington Gas Light Company, Frederick Gas Co., Inc., and Shenandoah Gas Company, Michigan Consolidated Gas Company, Laclede Gas Company, American Public Gas Association, Peoples Gas Light & Coke Company and North Shore Gas Company, People's Counsel of Maryland, Public Service Electric and Gas Company

Friday, November 5, 1982

9:00 a.m.—National Fuel Gas Supply Corporation, Transcontinental Gas Pipeline Corporation, Northwest Pipeline Company, Tennessee Gas Pipeline Company, Southwest Gas Corporation, Texas Gas Transmission Corporation, United Gas Pipe Line Company

10:00 a.m.—Lone Star Gas Company, Valero Transmission Company, Delhi Gas Pipeline Corporation, United Texas Transmission Company, Bridgeline Gas Distribution Company

11:00 a.m.—Edison Electric Institute, The Fertilizer Institute, District of Columbia Hospital Association, Dow Chemical Company, Southern California Edison Company

12:00 noon—Michigan Power Company, Iowa-Illinois Gas & Electric Company, Interstate Power Company, Wisconsin Gas Company, Southern California Gas Company and Pacific Lighting Gas Supply Company, Northern Illinois Gas Company, Office of Consumers Counsel, State of Ohio

Since statements were filed with the Commission on October 12, 1982, panel participants should not read their prepared statements. Rather, when a panel is called, each panelist will be given five (5) minutes to outline his position. The remainder of the time allowed for each panel will be devoted to answering questions of the Commissioners and the Commission Staff.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29486 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP79-416-004]

ANR Storage Co.; Notice of Petition to Amend

October 22, 1982.

Take notice that on September 10, 1982, ANR Storage Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-416-004 a petition to further amend the order issued on August 22, 1980, in Docket No. CP79-416, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to permit the increase in storage capacity of ANR's Excelsior 6/East Kalkaska 1 storage reservoir located in Kalkaska County, Michigan, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner asserts that during development of the Cold Springs 31 and Excelsior 6 storage fields there was discovered an additional geological formation which demonstrated potential communication with the Excelsior 6 reservoir. Petitioner states that the August 22, 1980, order has been amended to allow for the expansion of the storage field boundary, the drilling of a new injection/withdrawal well, and the reconditioning of a production well. Petitioner states that subsequently it became apparent that large volumes of gas were migrating between the East Kalkaska 1 and the Excelsior 6 Reservoir. Petitioner indicates that as a result of the natural communication between the East Kalkaska 1 and the Excelsior 6 Reservoir the estimated total capacity of the reservoir is now

11,089,000 Mcf. This volume represents an increase of some 2,014,000 Mcf from the capacity approved in the original application.

Petitioner indicates that no new facilities would be required to provide for the proposed increase in capacity. Petitioner avers that this capacity could be contacted for storage service to interstate or intrastate natural gas companies which desire to receive increased storage service. Petitioner further states that customers would be charged the rates which are currently in effect for similar services from this field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29485 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-11-000]

**Columbia Gas Transmission Corp.;
Notice of Application**

October 22, 1982.

Take notice that on October 7, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-11-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Vistron Corporation (Vistron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to transport for Vistron up to 28,000 Mcf of natural gas per day purchased by Vistron from The Inland Gas Company, Inc. (Inland), on a best-efforts basis. The gas would be received

by Applicant at existing points in interconnection with Inland in Boyd, Floyd and Knott Counties, Kentucky, and redelivered for the account of Vistron at an existing point of delivery, located in Allen County, Ohio, to Columbia Gas of Ohio, Inc. (COH), a wholesale customer of Applicant. Applicant states COH would make ultimate delivery of the gas to Vistron through an existing point of delivery at Vistron's Lima, Ohio, plant. It is advised that Vistron would utilize the natural gas in the production of ammonia-based products, principally agricultural fertilizers.

Applicant asserts that no additional facilities would be required to effectuate the receipt and delivery of the gas to be transported. Applicant states its charge for the proposed service would be 19.26 cents per Mcf with a 0.0072 cent per Mcf surcharge associated with the General R&D Funding Unit of the Gas Research Institute. In addition Applicant would retain for company use an unaccounted-for gas 2.56 percent of the total quantity of gas received from Inland for the account of Vistron.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29496 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-217-000]

**DeSoto Hardwood Flooring Co.;
Application for Commission
Certification of Qualifying Status of a
Cogeneration Facility**

October 21, 1982.

On October 12, 1982, DeSoto Hardwood Flooring Co., P.O. Box 1201, Memphis, Tennessee 38101, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Rules.

The topping-cycle cogeneration facility will be located in Memphis, Tennessee. The facility will consist of a new steam turbine and generator installed between two existing boilers. The primary energy source to the facility will be biomass in the form of hardwood sawdust, shavings and hogged wood pieces. The electric power production capacity of the facility will be 285 kilowatts and exhaust steam will be used in process and heating applications. The turbine will be installed in November 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29497 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-443-004]

El Paso Natural Gas Co.; Notice of Petition To Amend

October 22, 1982.

Take notice that on September 14, 1982, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-443-004 a petition to amend the order issued January 12, 1979, in Docket No. CP78-443, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to extend the term of the existing transportation and delivery arrangement between Petitioner and Southwest Gas Corporation (Southwest) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 12, 1979, it was authorized to transport up to 2,500 Mcf of natural gas per day and to deliver such natural gas, less shrinkage, to Southwest, on a best efforts basis, at various existing delivery points within the State of Arizona and at the Arizona-Nevada boundary by means of Petitioner's existing interstate pipeline system. Petitioner further states that the transportation arrangement with Southwest is scheduled to expire on December 31, 1982. Petitioner states it has been advised by Southwest that the transportation service being rendered by Petitioner would be required by Southwest for an indefinite period of time beyond said expiration date.

Petitioner submits that it has entered into an amendatory agreement with Southwest which extends the transportation arrangement on a year to year basis after December 31, 1982. Petitioner further states that all other terms and provisions of the transportation arrangement remain in full force and effect. Accordingly, Petitioner requests that the authorization granted in this proceeding be further amended so as to authorize the extension of the term of the arrangement between Petitioner and Southwest.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1982, file with the Federal Energy Regulatory Commission,

Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29498 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-224-003]

El Paso Natural Gas Co.; Notice of Petition To Amend and Request for Declaratory Order

October 22, 1982.

Take notice that on September 3, 1982, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-224-003 a petition to amend the order issued March 26, 1981, in Docket No. RP72-6, *et al.*, as amended, pursuant to Section 7(c) of the Natural Gas Act and Rule 207 of the Commission's Rules of Practice and Procedure so as to authorize Petitioner to utilize the Washington Ranch Storage Project facilities for system flexibility or alternatively a declaratory order that amendment of the existing authorization is not required for Petitioner to undertake system flexibility operations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that on March 26, 1981, it was authorized in Docket No. CP79-224, as amended, to implement the Washington Ranch Storage Project. It is further stated that by order issued December 21, 1981, the Commission amended these authorizations as necessary to permit changes in the facilities to be constructed and abandoned as part of the Project.

Petitioner requests either an order declaring that the use as herein proposed of the Washington Ranch Storage Project facilities is permitted by its existing certificate, as previously amended, or else, if the Commission determines that the existing certificate,

as amended, must be further amended to permit such use, then Petitioner requests such amendment of the certificate authorization.

Petitioner proposes to withdraw gas from the Washington Ranch Morrow Gas Field to augment its flowing supplies as necessary to meet system-wide demand, and inject flowing gas into the field when its flowing gas supply available for sale exceeds system-wide demand as day-to-day operating procedures permit. Petitioner states that it believes that the existing storage project facilities can be beneficially utilized to give Petitioner greater flexibility in the operation of its system, and would not jeopardize Petitioner's ability to protect its service to its east of California Priority 1 and 2 customers. It is further stated that the use of such facilities for system flexibility would not detract from Petitioner's ability to accommodate the banking or borrowing of natural gas allocations by Petitioner's Category B customers currently permitted under its Permanent Allocation Plan, and that the use of the facilities for system flexibility would not require modification of the Permanent Allocation Plan.

Any person desiring to be heard or to make any protest with reference to said petition to amend and request for declaratory order should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29499 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-479-000]

Louisiana Intrastate Gas Corp.; Notice of Application

October 22, 1982.

Take notice that on September 21,

1982, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST82-479-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA) and § 284.123(b)(2) of the Commission's Regulations for approval of the transportation charges proposed for transporting natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas exchange agreement dated August 24, 1982, Applicant proposes to receive gas from Tennessee at a point in Lafayette Parish, Louisiana, and to redeliver an equivalent quantity of gas less Tennessee's *pro rata* share of the gas received for fuel, company use and unaccounted for to Tennessee in Natchitoches, St. Mary, and Terrebonne Parishes, Louisiana. Applicant states that the proposed transportation service is for a period of two years from the date of initial deliveries. It is further stated that Tennessee would owe Applicant a fee only if the volume redelivered by Applicant to Tennessee exceeded the volume redelivered that month by Tennessee to Applicant. It is proposed that the fee for such excess volumes would be 20.0 cents per million Btu redelivered by Applicant to Tennessee. Applicant maintains that the proposed fee is fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29500 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-558-000]

Michigan Wisconsin Pipe Line Co.; Notice of Application

October 22, 1982.

Take notice that on September 30, 1982, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82-558-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service for Indiana Gas Company, Inc. (Indiana Gas), from Rate Schedules CD-1 to SGS-1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Indiana Gas has informed Applicant that it has purchased the gas distribution system of the Town of Hope, Indiana (Hope), and as a result of that purchase it desires to combine its currently effective Rate Schedule CD-1 daily contract demand of 704 dt equivalent of gas and its annual contract quantity of 123,816 dt equivalent with Hope's currently effective Rate Schedule SGS-1 daily contract demand of 1,910 dt equivalent of gas and its annual contract quantity of 362,805 dt equivalent into a single service agreement under Rate Schedule SGS-1, having a total daily contract demand of 2,614 dt equivalent of gas and an annual contract quantity of 486,621 dt equivalent. Applicant states that such change is permitted under the provisions of Section 8 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1.

Applicant requests that the proposed consolidation become effective on November 1, 1982. Applicant further states the requested changes would not affect Applicant's ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

¹ The application was originally tendered for filing on September 30, 1982. However, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 14, 1982; thus filing was not completed until the latter date.

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 29501 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP2-522-000]

Montana-Dakota Utilities Co.; Notice of Application

October 22, 1982.

Take notice that on September 2, 1982, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82-522-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), Natural Gas Pipeline Company of America (Natural), and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) (collectively referred to as Participants) and the construction and operation of the facilities required to transport the gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted with Participants to transport and deliver certain natural gas volumes purchased by Participants from

producer's in the Williston Basin of North Dakota and in Carter, Fallon, Wibaux, Richland, Roosevelt, Sheridan, Daniels, Dawson, Prairie, Custer, and Powder River Counties in Montana. It is stated that Applicant would receive, transport and redeliver an initial volume of up to 73,000 Mcf per day and ultimately up to 150,000 Mcf per day to Northern Border Pipeline Company (Northern Border) in McKenzie County, North Dakota.

In order to transport and redeliver up to the first 73,000 Mcf of natural gas per day for Participants, Applicant seeks authorization to construct and operate compressors and transmission line facilities as follows:

1. A new compressor station consisting of compressor units and related piping and metering facilities in the Ft. Buford area with an estimated requirement of approximately 5,733 horsepower. The Ft. Buford compressor would be located in McKenzie County, North Dakota. The compressor station, including related facilities, would be designed to redeliver the 73,000 Mcf of natural gas per day to Northern Border for the account of Participants.

2. A compressor unit and related facilities at the junction of the 6-inch gathering line from the TR Plant with the 8-inch gathering line from the Little Knife Plant to the Belfield junction. The compressor unit would be located in Billings County, North Dakota. The estimated horsepower requirement at this location is approximately 526. It is stated that this facility is required in order to transport additional volumes of Participant's natural gas from Warren Petroleum Company's Little Knife Plant and Western Gas Processor's Ltd's TR Plant to Applicant's pipeline transmission system.

3. Construct approximately 5 miles of 12½-inch O.D. natural gas transmission loop line between Shell Oil Company's Stateline Plant and the junction of Applicant's existing 12-inch Williston to Cabin Creek Transmission line in Richland County, Montana. It is claimed this looping is required in order to transport additional volumes of Participant's natural gas from Koch Hydrocarbon Company's McKenzie Plant to Applicant's main pipeline transmission systems.

It is stated that Participants would pay Applicant an initial fee of 30.136 cents per Mcf for the transportation service. Applicant further states that Participants would pay Applicant a monthly demand charge as compensation for the addition of incremental facilities, including those proposed herein. Such demand charge would allow Applicant to recover its

capital cost of construction, its cost of capital related to said construction including a return on common equity, operating and maintenance expenses, taxes other than income taxes, and income taxes including allocated overhead costs. The demand charge for the initial facilities proposed by Applicant would be \$240,642 per month. It is stated that as additional consideration for the transportation service provided by Applicant for participants, Applicant may elect to purchase up to 15 percent of the gas volumes otherwise subject to transportation by Applicant.

Applicant estimates that the total cost of the proposed facilities would be \$8,812,750, which cost would be furnished through internally generated funds and external financing, including long term debt and common stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29502 Filed 10-26-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-17-000]

Mountain Fuel Resources, Inc.; Notice of Application

October 21, 1982.

Take notice that on October 12, 1982, Mountain Fuel Resources, Inc. (Applicant), 79 South State Street, Salt Lake City, Utah 84147, filed in Docket No. CP82-17-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in peak day deliverability for Northwest Pipeline Corporation (Northwest) from the Clay Basin Storage Field commencing with the 1983-1984 heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Northwest proposes long term sales to Texas Eastern Transmission Corporation (TETCO) and Transwestern Pipeline Company (Transwestern) and to support such sales requires increased peak day deliverability from storage beginning with the 1983-1984 withdrawal season in addition to its current storage service. The application further states that Applicant is capable of utilizing the existing storage facilities at Clay Basin to withdraw up to 240,000 Mcf of natural gas a day during the subject period and thereafter. This allegedly is in conformity with agreements executed between applicant and Northwest, and among Applicant, Mountain Fuel Supply Company, and Northwest, and dated October 7, 1982. These agreements are said to amend the currently effective storage service rate schedules S-1 and S-3. No addition to the previously authorized seasonal withdrawal level nor any new facilities is proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29503 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-480-000]

Northern Illinois Gas Co.; Notice of Application

October 22, 1982.

Take notice that on September 22, 1982, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. ST82-480-000 an application pursuant to §§ 284.222 and 284.123(b)(2) of the Commission's Regulations for approval of rates to be charged for providing transportation and storage services to East Tennessee Natural Gas Company (East Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a limited term storage agreement with East Tennessee, whereby East Tennessee would arrange to have gas transported to an existing point of interconnection between Applicant and one of its supplier pipelines. It is asserted that the first injections would take place on September 22, 1982, and that Applicant would provide the storage service to East Tennessee for

one year. For the proposed service, Applicant indicates that it would charge East Tennessee a total rate of 76.30 cents per Mcf, stored on a 1000 Btu basis. It is submitted that Applicant's existing sales transportation rates approved by the Commission do not reflect the costs of providing the type of storage service being offered to East Tennessee. Therefore, Applicant requests approval of the proposed rates as fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29504 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-176-002]

Northwest Pipeline Corp.; Notice of Amendment to Application

October 22, 1982.

Take notice that on September 10, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110-1526, filed in Docket No. CP82-176-002 an amendment to its application in Docket No. CP82-176-000 filed pursuant to Section 7(c) of the Natural Gas Act to reflect the transportation of 66,000 Mcf of natural gas per day for Transwestern Pipeline Corporation (Transwestern) and the construction and operation of approximately 185.4 miles of 30-inch and 36-inch pipeline loop and an additional 18,500 site rated compressor horsepower on its existing mainline transmission system in lieu of the facilities originally proposed, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. CP82-176-000, as supplemented, it requested authorization to construct and operate approximately 243 miles of 30-

inch and 36-inch loop pipeline and 5,830 additional compressor horsepower on Applicant's existing system, for the sale and delivery on a firm basis of up to 3,000,000 therms of natural gas per day to Texas Eastern Transmission Corporation (TETCO) and/or Transwestern, and for the sale and delivery to TETCO and/or Transwestern of up to an additional 250,000 therms of natural gas per day on an interruptible basis under Applicant's proposed Rate Schedule OS-1. Applicant also indicates that it requested authority to transport on a firm basis up to 763,000 therms per day for the account of certain existing shipper customers under Applicant's proposed Rate Schedule T-2.

Applicant proposes in Docket No. CP82-176-002 to transport an additional 66,000 Mcf of natural gas per day pursuant to Rate Schedule T-2 and to revise its facility design by construction and operation of the following facilities in lieu of the facilities originally proposed:

- (1) Compressor cylinder modifications at its Chelis, Baker, Caldwell, and Ignacio compressor stations;
- (2) Centrifugal compressor modifications at its Lava Hot Springs, Muddy Creek, and Green River compressor stations;
- (3) Up to an additional 3,500 site rated compressor horsepower at its Mountain Home compressor station;
- (4) Yard piping modifications at its Vernal and Ignacio compressor stations;
- (5) Up to 8,100 site rated compressor horsepower at a new compressor station to be constructed in the vicinity of Cortez, Colorado;
- (6) Up to an additional 5,500 site rated compressor horsepower at its Ignacio compressor station;
- (7) 68.6 miles of 36-inch loop pipeline on the south side of its Rangely compressor station;
- (8) 116.8 miles of 30-inch loop pipeline in the area extending from the terminus of the 36-inch loop towards Applicant's mainline compressor station at Ignacio, Colorado; and
- (9) Pine Gulch Meter Station to be constructed in the vicinity of Applicant's Ignacio Compressor Station at the interconnection of Applicant's transmission system and those facilities proposed by Continental Divide Pipeline Company.

Applicant estimates the cost of the proposed facilities to be \$186,925,000. Applicant further asserts that in all other respects the proposal in Docket No. CP82-176-000, as supplemented, remains unchanged.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29505 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-527-000]

Transcontinental Gas Pipe Line Corp.; Notice of Application

October 22, 1982.

Take notice that on September 13, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP82-527-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline tap, valve, and appurtenant facilities at Station No. 63 in St. James Parish, Louisiana, and for permission to recover the cost of refinery gas purchased from GHR Energy Corp. (GHR) through Applicant's purchased gas adjustment (PGA) clause, and to recover through its rate base the cost of nonjurisdictional pipeline and appurtenant facilities necessary to effectuate the receipt of refinery gas into Applicant's system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to install, construct, and operate certain tap, valve and appurtenant facilities to be located at Applicant's existing Station No. 63 on its Southeast Louisiana Lateral, in St. James, Parish, Louisiana. The proposed facilities are estimated to cost \$108,900. Applicant states the proposed facilities would be financed initially through short-term

loans and available cash. It is further stated that permanent financing would be undertaken as a part of an overall long-term financing program at a later date.

Applicant states it has entered into a gas purchase agreement with GHR which provides for the sale to Applicant of up to 50,000 Mcf per day of refinery gas, but not less than an average of 25,000 Mcf of refinery gas per day during each year would be tendered by GHR to Applicant. Applicant states it is obligated to take or to pay for 85 percent of the quantities tendered for delivery by GHR, up to 50,000 Mcf per day, during each year of the contract. However, it is stated, in no event would Applicant's obligation to pay for gas that has been tendered but not taken exceed the quantities flared at GHR's refinery during the contract year. Applicant also states that if GHR has available for sale volumes of gas in excess of 50,000 Mcf per day, then Applicant would have the right but not the obligation to purchase such excess volumes.

It is indicated that the purchase price to be paid for refinery gas purchased by Applicant would be 100 percent of the price per million Btu for No. 6 low sulphur fuel oil less an amount equivalent to Applicant's average systemwide unit transmission costs for sales and long-haul transportation in effect from time to time in Applicant's rates. Applicant specifically requests that the Commission authorize it to recover the cost of the refinery gas which it would purchase, by means of the PGA clause in its tariff, and the recovery by Applicant of the costs of certain nonjurisdictional pipeline and appurtenant facilities by inclusion in its rate base.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29506 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-125-006]

Trans-Niagara Pipeline; Amendment to Application

October 22, 1982.

Take notice that on August 27, 1981,¹ Trans-Niagara Pipeline (Applicant), 2700 Post Oak Boulevard, Houston, Texas 77251, filed in Docket No. CP82-125-006 an amendment to the application filed in Docket No. CP82-125-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect two alternative proposals with respect to the construction of facilities to receive and transport natural gas to be imported from Canada, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it sought authorization in Docket No. CP82-125-003 to construct and operate approximately 160 miles of large diameter pipeline, compression and appurtenant facilities from a point on the United States-Canada border 5 miles north of Niagara Falls, New York, to the Leidy Storage Field, near Tamarack, Pennsylvania, and to provide firm and overrun transportation service for various importers. Applicant's proposed

¹The application was initially tendered for filing on August 27, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 30, 1982; thus, filing was not completed until the latter date.

facilities would parallel Tennessee Gas Pipeline Company, a Division of Tenneco Inc.'s (Tennessee), existing and proposed facilities from the point of import near Niagara Falls, New York, to East Aurora, New York, a distance of approximately 49 miles. Applicant states that Commission Staff's Draft Environmental Impact Statement (DEIS) in Docket No. CP81-296-000 later suggested that a joint large-diameter pipeline be constructed to accommodate the transportation of Tennessee's and Applicant's gas.

Applicant in Docket No. CP82-125-006 submits two alternative proposals to Tennessee's alternative, both alternatives involving the construction of an expanded Trans-Niagara System. In its first alternative, Applicant proposes to construct a pipeline from a point on the United States-Canadian border 5 miles north of Niagara Falls, New York, to East Aurora, New York, where it would connect with Tennessee's facilities as described in Docket No. CP81-296-001 and with Applicant's proposed system as described in Docket No. CP82-125-004. Applicant submits that the first alternative involves construction of 48.56 miles of 48-inch pipeline, 112.74 miles of 42-inch pipeline, 0.38 mile of dual 36-inch Niagara River Crossing, and 87,699 horsepower Lewiston compressor station, a 58,313 horsepower Leidy compressor station, and meter stations at Lewiston and Leidy. Applicant states its first alternative would have a maximum throughput capacity of 2,467,239 Mcf per day at Niagara Falls and 2,446,191 Mcf per day at East Aurora, which it claims is more than adequate to transport the total peak day quantities of 2,300,000 Mcf per day pending import authorization at Niagara Falls, New York. Applicant estimates that the cost of its first alternative is \$522,562,000.

Applicant's second alternative would involve construction of the pipeline, compression and appurtenant facilities identified with respect to the first alternative except that the amount of compression at the Leidy compressor station would be 83,089 horsepower compared to the 58,313 horsepower proposed for the first alternative. Applicant indicates its second alternative would have a maximum throughput capacity of 1,612,456 Mcf per day at the terminus of Applicant's pipeline and an estimated cost of \$532,834,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 12, 1982, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.
Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29507 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-18-002]

United Gas Pipe Line Co.; Notice of Petition to Amend

October 22, 1982.

Take notice that on September 13, 1982, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-18-002 a petition to amend the order issued January 21, 1980, in Docket No. CP80-18 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the maximum daily quantity of gas transported for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks to increase the maximum daily quantity of gas transported for Mid Louisiana from 750 Mcf per day to 3,000 Mcf per day. Petitioner states that pursuant to a gas transportation agreement with Mid Louisiana, Mid Louisiana delivers gas to Petitioner at a point of interconnection on Petitioner's 16-inch Belle Isle Field main pipeline in St. Mary Parish, Louisiana. Petitioner then redelivers equivalent quantities less fuel and company-used gas to Mid Louisiana at the point of interconnection between Petitioner's and Mid Louisiana's pipelines at the Scotland Compressor Station in Baton Rouge Parish, Louisiana.

Petitioner further states that pursuant to an agreement dated February 16, 1982, Mid Louisiana would assign 50 percent of all gas production from the St. Mary Parish Land Company No. 2, No. 3,

and No. 4 wells. Petitioner alleges that in order to transport Mid Louisiana's 50 percent share of such production the maximum daily quantity of gas transported must be increased from 750 Mcf to 3,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29508 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-8-000]

Valero Transmission Co.; Notice of Application

October 21, 1982.

Take notice that October 6, 1982, Valero Transmission Company (Applicant), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. CP82-8-000 an application pursuant to Sections 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.127 of the Commission's Regulations for authorization to transport natural gas for a term in excess of two years for Texas Eastern Transmission Company (TETCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 200,000 Mcf of gas per day for TETCO's account or more subject to available pipeline capacity. Applicant would receive the gas from El Paso Natural Gas Company at a point of interconnection of Applicants' and El Paso's systems in Pecos County, Texas. Applicant states that if the Commission grants the application of Continental Divide Pipeline Company in Docket No. CP82-174-000, the point of delivery would be at the interconnection of Applicant's system with that of

Transwestern Pipeline Company in Pecos County, Texas. Gas would be redelivered to TETCO at interconnections of the TETCO system with that of Applicant in Lavaca, Brazoria, and Nueces Counties, Texas.

Said transportation arrangement is sought for an initial term of fifteen (15) years and from year to year thereafter. The application further states that TETCO would pay Applicant monthly, for each million transported and redelivered by Valero at the point of redelivery during each calendar year of the term hereof, the sum of 11.0 cents per million, increased by 0.5 cent per million effective January 1, 1983, and each succeeding January 1, and 1/4 of 1 percent of the weighted monthly average price at which Valero sells gas to its customers during that calendar year as approved by the Railroad Commission of Texas from time to time; provided, however, the weighted average price of the rate for any calendar year would not exceed 112 percent of such positions for the preceding calendar year.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29509 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

Industry-wide investigation

October 18, 1982.

Take notice that the Commission authorized the publication of the following, which was issued October 7, 1982:

The Federal Energy Regulatory Commission announced today October 7, 1982 that it has authorized an industrywide enforcement investigation of possible overcharging for natural gas through the use of producer-owned processing plants. There are over 800 processing plants in the United States. The Commission's order gives the

enforcement staff power to subpoena witnesses and documents relevant to the investigation.

The Commission also announced that several major natural gas producers which sell gas to Tennessee Gas Pipeline Company have made, or would be making, refunds to Tennessee which, according to Tennessee, will total about \$65 million. A large interstate gas pipeline, Tennessee has reported to the Commission that, so far, it has received about \$60.5 million from the producers and that it has passed the refunds on to its customers. This report is contained in documents filed at the Commission in Docket No. RP81-44.

In addition to ordering an investigation, the Commission, to encourage voluntary compliance, has also invited all producers which own or operate gas processing plants situated on pipelines to consider whether they should pay refunds to their pipeline customers. To encourage immediate compliance, the Commission said that voluntary payment of refunds within 120 days of October 7, 1982, would be taken into account by the Commission.

The Commission said that the refunds to Tennessee apparently were necessary because of overcharges by the producers resulting from the operation of two large gas-processing plants in Louisiana, the Yscloskey and Grand Chenier plants, which are situated on Tennessee's pipeline system. The producers sell gas to Tennessee at their wells, but later take back the gas from Tennessee's system for processing in their plants. The processed gas is then returned to Tennessee.

It appears, the Commission said, that the refunds to Tennessee were necessary because the producers, from 1971 until at least 1979, paid Tennessee too little for the gas from Tennessee's system that was consumed in operating their plants. The producers also may not have compensated Tennessee adequately for the volumes of gas lost through shrinkage of the gas when it was processed by removing liquefiable hydrocarbons from it. As a result, the gas returned to Tennessee may have cost the pipeline and, ultimately, its interstate customers, more than the maximum price allowed by law.

The producers which have paid refunds as a result of these overchargers are Amoco Production Company; ARCO Oil and Gas Company; Chevron U.S.A., Inc.; Cities Service Company; Conoco Inc.; Exxon Company, U.S.A.; Getty Oil Company; Mobil Oil Exploration and Producing Southeast, Inc.; Newmont Oil Company; Shell Oil Company; The Superior Oil Company; and Tenneco Oil Company. According to Tennessee, Gulf

Oil Corporation is actively considering whether it should pay refunds.

In addition, the Commission announced that it was concerned that other producer-owned gas processing plants situated on pipelines may have been operated in a similar manner, with the result that other pipelines may also have been overcharged for gas. Jurisdictional pipelines whose gas was processed in the plants may, in turn, have overcharged their customers for the gas. Because of these concerns, the Commission invited producers which own or operate such plants to consider whether any refunds to their pipeline customers may be required.

The Commission stated that voluntary payment of refunds, within 120 days of October 7, 1982, would be taken into account by the Commission. No such consideration would be given to producers whom the Commission itself discovered, after the time period, to owe refunds.

The Commission also stated, however, that where it appeared that producers which made voluntary refunds within the 120-day period had violated the Natural Gas Policy Act of 1978, it would seek payment by them, and possibly by pipelines, of civil penalties under that statute. For producers which pay refunds (with appropriate interest) and file appropriate refund reports and releases with the Commission, all within 60 days of October 7, 1982, the civil penalty sought will be 2 1/2% of the total amount refunded. For producers taking the same action, but within the second 60-day period, the civil penalty sought will be 5% of the total amount refunded. The Commission also stated that where refunds are paid, it will seek appropriate agreements to ensure against future violations of law.

Copies of the Commission's order instituting the investigation are available in the Division of Public Information.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-29521 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel

Date and time

Thursday, November 11, 1982—9:00 a.m.—4:00 p.m.

Friday, November 12, 1982—9:00 a.m.—3:30 p.m.

Place: Room 701-702, Clark Hall, Cornell University, Ithaca, New York.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER-221, Washington, DC 20545, Telephone: 301-353-3624.

Purpose of Committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative agenda**Thursday, November 11****Administrative matters**

Status of FY 83 NSF/EPP Budget and

Scenarios for FY 84

Status of FY 83 DOE/HEP Budget and

Scenarios for FY 84

Further discussion of DOE and NSF Budgets Discussion on International Activities and Involvements

Preliminary Planning and Charge for June 1983 Woods Hole Study of US-HEP Facilities

HEPAP Review of Cornell/CESR Program Site Visit

Newman Laboratory
Wilson Laboratory

Friday, November 12

Status of the Technical Assessment Committee for University Programs (TACUP)

Discussion of Long-Range Planning

Preliminary Planning and Charge for June 1983 Woods Hole Study of US-HEP Facilities

Further Discussions on Budgets, Long-Range Planning and 1983 Woods Hole Study

Further Discussions on Budgets, Long-Range Planning and 1983 Woods Hole Study

Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at 202-252-8990. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Rm. 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on October 22, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82-29426 Filed 10-26-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals**Implementation of Special Refund Procedures**

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals announces the procedures for disbursement of the funds obtained as the result of the consent orders which the DOE entered into with Northeast Petroleum Industries, Inc. and Nordstrom oil Company. The funds will be available to customers which purchased gasoline from Northeast or gasoline, diesel fuel, or Nos. 1 or 2 fuel oil from Nordstrom during the period November 1, 1973 through April 30, 1974.

DATE AND ADDRESS: Applications for refund of a portion of the Northeast or Nordstrom consent order funds must be received within 90 days of publication of this notice in the Federal Register and should be addressed to: Northeast and Nordstrom Consent Order Refund Proceedings, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. All applications should conspicuously display a reference to the appropriate case number BEF-0065 (Northeast) or BEF-0081 (Nordstrom).

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the decision and order set out below. The decision and order concerns two separate consent orders which the DOE's Office of Enforcement entered into with Northeast Petroleum Industries and Nordstrom Oil Company. See 44 FR 42314 (1979) and 44 FR 66655 (1979). The two consent orders settled all disputes between the DOE and the firms regarding Northeast's and Nordstrom's compliance with the DOE price and allocation regulations during the period November 1, 1973 through

April 30, 1974. Under the terms of the consent orders, Northeast has deposited \$439,635 in an escrow account and Nordstrom has deposited \$65,000 in an escrow account. It was stipulated in each consent order that the refund amount was in settlement of possible enforcement actions based on allegations that the firms violated DOE regulations during the period November 1, 1973 through April 30, 1974.

The Office of Hearings and Appeals previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interest parties concerning the proper disposition of both consent order funds. The proposed decision and order discussing the distribution of funds obtained through the Northeast and Nordstrom consent orders was issued on April 9, 1982. 47 FR 16396.

The final decision and order, published concurrently with this Notice, reflects an analysis of the comments received from interested parties. As the decision indicates, applications for refund from the escrow funds may now be filed. Applications will be accepted provided they are received no later than 90 days after the publication of this decision and order in the Federal Register. See 10 CFR 205.286. Applications will be accepted from all persons who claim that they were injured by Northeast's or Nordstrom's alleged regulatory violations during the period covered by the consent orders. In order to establish entitlement to a portion of the consent order funds, a purchaser must establish, in addition to proof of purchase of the volume claimed, that the purchaser did not pass through price increases to its own customers. The specific information required in an application for refund is set forth in the decision and order.

The decision does not establish mechanical standards for the proper allocation of funds among successful claimants, such as the *pro rata* volumetric distribution used in some previous refund cases. Instead, the decision discusses a number of equitable factors which will be considered in the process of allocating funds among successful claimants. The decision and order also reserves the question of the proper disposition of any remaining consent order funds until the first stage claims procedure is completed.

Dated: October 15, 1982.

George B. Breznay,

Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Northeast Petroleum Industries, Inc. and Nordstrom Oil Company.

Dates of Filing: June 11, 1981, September 4, 1981.

Case Numbers: BEF-0065, BEF-0081.

This proceeding concerns two Petitions for the Implementation of Special Refund Procedures filed by the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) with the Office of Hearings and Appeals pursuant to the provisions of 10 CFR Part 205, Subpart V. Under those preprocedural regulations the OE may request that the Office of Hearings and Appeals formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of DOE regulations. The OE filed the petitions in this case in connection with consent orders which the DOE entered into with Northeast Petroleum Industries, Inc. (Northeast) and Nordstrom Oil Company (Nordstrom). Northeast, headquartered in Chelsea, Massachusetts, and Nordstrom, located in Cedar Rapids, Iowa are both engaged in the marketing of petroleum products to resellers and end-users, and were subject to the Mandatory Petroleum Price Regulations set forth at 10 CFR Part 212, Subpart F.

A DOE audit of Northeast's records revealed possible violations of the DOE price regulations with respect to sales of motor gasoline from November 1, 1973 through April 30, 1974. In order to settle the dispute between Northeast and the DOE regarding those sales, Northeast and the DOE entered into a consent order on June 19, 1979. Under the terms of the consent order, Northeast agreed to remit \$459,635 to the DOE, which is being held in an interest-bearing account established with the United States Treasury pending determination of its proper distribution.

On July 19, 1979, the OE published a notice in the Federal Register requesting that interested persons who believe that they have claims to all or a portion of the Northeast refund amount provide written notification of their claims within 30 days of publication. 44 FR 42314 (1979). The DOE also gave notice through a press release issued the same day. The OE did not receive any claims

in response to the Federal Register

notice or the press release.

Subsequently, the OE filed its petition pursuant to Subpart V.

A DOE audit of Nordstrom's records revealed possible violations of the DOE price regulations with respect to sales of motor gasoline, diesel fuel, and Nos. 1 and 2 fuel oil made to resellers and end-users during the period November 1, 1973 through April 30, 1974. On August 17, 1978, the OE issued a Notice of Probable Violation (NOPV) to Nordstrom. In order to settle the dispute between Nordstrom and the DOE regarding Nordstrom's sales of petroleum products during the audit period, Nordstrom and the DOE entered into a consent order on September 24, 1979. Under the terms of that order, Nordstrom agreed to remit \$65,000 to the DOE, which is also being held in an interest-bearing account established with the United States Treasury pending determination of its proper distribution.

On November 20, 1979, the OE published a notice in the Federal Register requesting that persons who believed that they had claims to all or a portion of the Nordstrom refund amount submit written notification of their claims within 30 days of publication. 44 FR 66655 (1979). The DOE also gave notice through a press release issued the same day. The OE received a notice of claim from the Defense Logistics Agency. Subsequently, the OE filed its petition pursuant to Subpart V.

On April 9, 1982, the Office of Hearings and Appeals issued a Proposed Decision and Order tentatively setting forth procedures to distribute refunds to parties who were injured by Northeast's or Nordstrom's alleged violations. *Office of Enforcement*, No. HEF-0002 (April 9, 1982) (proposed decision); 47 FR 16396 (April 16, 1982). In the proposed decision we described a two-stage process for distribution of the funds made available by the Northeast and Nordstrom consent orders. Specifically, we proposed to disburse funds in the first stage to claimants who could demonstrate that they were adversely affected by Northeast's or Nordstrom's alleged overcharges in sales of covered products during the applicable period. We also proposed several procedures for disbursing any funds remaining after the meritorious claimants had received appropriate refunds. We suggested that the amount of money available for the second-stage refund process would influence the ultimate disposition of those funds. We proposed that such funds be distributed to state governments in areas affected by the alleged overcharges, for the purpose of reducing energy-related

expenses subject to the direct control of those governments. In the alternative, remaining funds might be deposited in the United States Treasury.

The purpose of this decision is the establishment of procedures to be used for filing claims in the first stage of the Northeast and Nordstrom refund process. This decision sets forth the information that a Northeast or Nordstrom customer should submit in order to establish entitlement to a portion of the respective consent order funds. In establishing these requirements, we will address comments filed in response to the first-stage proposal in the April 9 decision. We will not, however, determine procedures for the second stage of the refund process in this decision. Our determination concerning the final disposition of any remaining funds will necessarily depend on the size of the fund. *Office of Enforcement (Coline)*, 9 DOE ¶ 82,508 (1981). It is therefore premature for us to address the issues raised by commenters concerning the proposed disposition of funds remaining after all the meritorious claims have been paid.

Jurisdiction

In our April 9 proposed determination and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. See 47 Fed. Reg. 16396 (April 16, 1982); *Office of Enforcement (Olin)*, 9 DOE ¶ 82,539 (1982). We need not elaborate upon that discussion here. In the proposed decision, we rejected Northeast's contentions that (i) we should not assert jurisdiction over the settlement funds obtained as a result of the Northeast consent order, and (ii) the funds should instead be deposited in the United States Treasury.

In their comments on the Proposed Decision and Order, both Northeast and Nordstrom contest our decision to exercise jurisdiction over this matter. Nordstrom asserts that it entered into the consent order with the DOE with the understanding that the funds would be deposited into the U.S. Treasury, and that its individual customers would not be notified. Nordstrom asks that the DOE abide by the firm's understanding of the original intent of the consent order. Northeast, in its comments, requests that we reconsider our decision to accept jurisdiction over the Northeast consent order and that we dismiss this proceeding.

The crux of both firms' arguments is that first stage refund proceedings would create publicity which they believe would be harmful to their

business relationships. These concerns were not addressed in the consent orders. The Northeast and Nordstrom consent orders do not provide for a specific method of distribution of the settlement funds. Rather, each states that the money in the consent order fund " * * be distributed in a just and equitable manner in accordance with applicable laws and regulations." Consent Order with Northeast Petroleum Industries, Inc. at 2 (June 19, 1979); Consent Order with Nordstrom Oil Company at 4 (September 24, 1979). The Subpart V distribution scheme was part of the applicable laws and regulations at the time these consent orders were executed. Consequently, distribution of the consent order funds pursuant to Subpart V is entirely consistent with the terms of the consent orders. We presume that the terms in each consent order were arrived at through careful negotiations by both sides. If Northeast and Nordstrom desired a specific method for the distribution of the consent order funds, they could have attempted to insert specific terms into those documents which covered this matter.(1) We cannot now modify the terms of the consent orders Nordstrom and Northeast executed with the DOE merely because the firms have subsequently determined they are dissatisfied with provisions to which they voluntarily agreed. See *United States v. Armour & Co.*, 402 U.S. 673, 682 (1971). We have therefore decided to continue to exercise jurisdiction over the Northeast and Nordstrom consent order funds, and we affirm our authority to fashion refund procedures.(2)

Eligible Claimants and Standard of Proof

Any party that believes that it is eligible for a refund may file an application. However, we will not consider applications for refund from the operators of retail service stations (rather than independent lessee dealers who were themselves subject to the DOE regulations) owned by Northeast or Nordstrom if the operators are salaried employees of either firm because those parties were not intended to benefit from the consent order funds addressed in this decision.

The standard of proof which must be met to establish eligibility to a portion of the Northeast and Nordstrom consent order funds will vary between different types of claimants. We proposed in our April 9, determination that claimants that are resellers or that are involved in the production or distribution of goods or services be required to demonstrate that, during the period covered by the consent order, they would have kept

their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. In other words, we stated that we wanted an indication that the reseller was not simply passing on to its customers any Northeast or Nordstrom price increases. We stated that a claimant should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to pass through the additional costs associated with the alleged overcharges. In addition, we suggested that a reseller of petroleum products must have maintained a "bank" of unrecovered product costs until January 28, 1981, the date on which the President decontrolled all remaining covered products, in order to demonstrate that it did not subsequently recover these costs by increasing its prices. Finally, we stated that a purchaser who is an ultimate consumer and not engaged in the sale of goods or services would not have to make a showing that it absorbed any unlawful price increases.

We received comments on this issue from the Association of American Railroads. It asks us to follow our previous decisions and add regulated transportation companies to the class of claimants that would not be required to demonstrate that they did not pass through to their customers cost increases resulting from alleged overcharges. See, e.g., *Office of Special Counsel (Tenneco)*, 9 DOE ¶ 82,538 (1982). The Association contends that any overcharges which regulated transportation companies had incurred would have been channeled to their customers by the regulatory bodies. It notes that any refunds which regulated transportation companies receive would also be passed through to their customers. The Association thus argues that regulated transportation companies should be treated in the same manner as ultimate purchaser claimants, which need only demonstrate that they purchased a specific quantity of product sold by Northeast or Nordstrom during the relevant time period in order to qualify for refunds.

We will accept the Association's proposal. This is consistent with our determination in prior cases to accept similar proposals because they would assist us in distributing refunds in an efficient, cost-effective, and equitable manner. See *Office of Special Counsel (Pennzoil)* 9 DOE ¶ 82,545 at 85,244 (1982). As we have noted, the DOE's Office of Special Counsel has reviewed the operation of the agencies that regulate transportation companies and

public utilities and has determined that refunds to these firms are indeed factored into their rate making systems. *Id.* Similarly, we believe that refunds to claimants that are agricultural cooperatives will likewise directly influence the prices charged to their member customers. These cooperatives are owned by their customers, and the ultimate consumers of the petroleum products purchased by the cooperative will therefore receive the benefit of the refund either as a price reduction or as a distribution at the close of the cooperative's fiscal year. See *Tenneco*, 9 DOE at 85,203.

Consequently, we have concluded that refund applications from firms whose prices for goods or services are regulated by a government agency or by the terms of a cooperative agreement will not be required to show that they absorbed alleged Northeast or Nordstrom overcharges. Instead, those applicants should supply us with a full explanation of the manner in which refunds will be passed through to their customers in the form of lower prices or better service. In addition, these applicants' receipt of refund money will be conditioned on notice to the appropriate regulatory body or membership group.

We suggested in our proposed decision that another group of purchasers be excused from having to document more than the fact that they purchased products from Northeast or Nordstrom during the relevant period of time. We stated that we would consider establishing a threshold level of purchases under which applicants, primarily small firms and individuals, would not be required to make a detailed showing of actual injury. We proposed a purchase threshold of 50,000 gallons per month on each product. Firms with purchases below that level would be permitted to claim a refund based upon their level of purchases without having to submit evidence concerning their banks of unrecouped product cost increases or prevailing market conditions which had prevented them from passing through the alleged overcharges. In addition, firms that purchased more than an average of 50,000 gallons per month of a product would be excused from the requirement of showing that the effects of the alleged violations were not passed through, provided that they limit their claims to the 50,000 gallons per month level.

The State of New York, in its comments, urges us not to adopt any threshold purchase level. Instead, it requests us to adopt a presumption that any reseller that was overcharged would

have passed through the alleged violation to its customers. After careful consideration we have concluded that it is in the best interests of efficient resolution of these proceedings to establish a threshold level of purchases below which a claimant need not demonstrate injury. The State of New York has offered no evidence in support of its position that most small resellers can be presumed to have passed on all of the alleged overcharges to their customers. The adoption of a small claims threshold purchase level below which firms do not have to submit evidence of injury is based upon several factors. First, it has been our experience in dealing with tens of thousands of firms in the petroleum industry that businesses with a relatively low level of sales will not have maintained sophisticated recordkeeping systems. A requirement that these firms produce records or transactions that occurred eight years ago, if those records even exist, would prove to be an onerous one. Secondly, the cost of compiling this information from a recordkeeping system of this type would in many cases exceed the refund to be gained. Consequently, in the interest of fostering the restitutionary objectives of the Subpart V process, we will establish a threshold figure of 50,000 gallons per month, or 600,000 gallons per year. Claims based upon a sales figure below this level will not have to supply documentation of injury.

In summary, with respect to applicants that claim a refund based upon purchases of less than an average of 50,000 gallons per month of a relevant Northeast or Nordstrom product during the period for which a refund is claimed, we will require only proof of purchase from either Northeast or Nordstrom. With respect to applicants claiming a refund based upon purchase volumes greater than that amount, we will require a showing that the purchaser did not pass through the price increases to its own customers. Retailers and resellers who are claiming refunds on the basis of purchases exceeding the 50,000 gallon per month small claim threshold level should submit two types of data in order to make the required showing. They should submit data summarizing the applicant's unrecouped increased product costs (bank) for each calendar quarter for which the firm claims a refund. If the applicant used its banked costs to increase its selling price at a later date, such data should be included in the application and the firm's refund may be appropriately reduced. We note that even if a firm's bank was reduced to zero during the

period covered by the consent order, it may nevertheless be possible for the firm to establish eligibility for a refund by showing that during the period, market forces reduced its sales and compelled the applicant to purchase and consequently to sell a smaller volume of relevant product with correspondingly lessened profits. In addition, applicants should submit any other type of available data showing that they were not able to increase their prices to pass through the alleged overcharges due to market conditions.

Although we shall not engage in a time-consuming legal and factual analysis leading to a precise measure of damages, we wish to emphasize that the burden of establishing eligibility for a refund rests on the claimant.

Allocation of Refund Money

In *Office of Enforcement (Vickers)*, 8 DOE ¶ 82,597 (1981), we used a "pure" volumetric method of allocating refunds to claimants. Refunds in that case were based on the proportion of the product bought by the applicant to the total amount of product sold by the supplier during the relevant time period. Based on our experience in Subpart V cases since that time, we stated in our proposed decision that the adoption of the "pure" volumetric plan of distribution would not be the best mechanism for allocating the Northeast and Nordstrom consent order funds. Because the size of the refund pool derived from consent orders is a negotiated issue, the amount of money available for distribution is likely to be less than the amount needed to make full restitution to injured claimants, as in the present instance. Where a "pure" volumetric refund distribution scheme is adopted, there is in effect an additional limitation on the amount of refund which can be distributed to a successful claimant because of the per gallon refund ceiling. In the event that a significant number of applicants fail to demonstrate the merits of their claims, the total amount of refunds made to successful claimants may be far less than the amount of the settlement funds available for distribution. We therefore believe that it is fully consistent with the restitutionary objectives of the present proceeding to distribute available funds by a method other than the *Vickers* "pure" volumetric distribution scheme. Accordingly, we proposed an alternative means of distribution based on a modified version of the "pure" volumetric refund formula which takes into account certain equitable considerations.

In its comments, the State of New York expresses a concern that our

proposal to use a modified volumetric mechanism for distribution of first-stage funds may deprive some injured consumers of a share of the refunds. The State's concern is based on the possibility that meritorious claims filed during the first stage of the Northeast and Nordstrom refund proceeding might exhaust the settlement fund and thereby obviate the need for a second stage.⁽³⁾ We believe this concern is unfounded. First, consumers of Northeast or Nordstrom products will not be precluded from sharing in the refund pool. Individual consumers and groups of consumers that can document the volumes of Northeast or Nordstrom products they purchased during the relevant time period will have the opportunity to file first-stage applications for refund. Second, even if the consent order funds will be depleted in the first stage of the proceeding because of the large number of eligible claimants that can successfully document their injuries attributable to the alleged charges, the purpose of this proceeding would not be frustrated, as New York State contends.⁽⁴⁾ Distribution of settlement funds to those who may have been injured by the alleged overcharges is the goal of a Subpart V proceeding. That goal is not compromised if the settlement funds can be distributed in a first-stage proceeding, rather than in two stages.

Consequently, we will utilize a modified volumetric scheme of the type discussed in the proposed decision because we believe that the restitutionary objectives of the present proceeding can be best achieved by utilizing such a scheme. We will first establish a "floor" or minimum amount a successful claimant could receive which will assist a potential applicant in deciding whether or not to apply for a refund. In this proceeding the minimum amount that a successful claimant will recover can be determined by multiplying its total product purchases (in gallons) by the total amount of money available for distribution (the relevant consent order amount) divided by the total sales (in gallons) by the relevant firm of all products covered by the individual consent order. The refund floor in the Northeast case is \$.0210816 per gallon and in the Nordstrom case it is \$.0098357 per gallon. The OHA will also consider the following factors in determining individual refunds: (i) The amount of interest accumulated in the escrow accounts since the DOE received settlement funds from Northeast and Nordstrom; (ii) the number of qualified claimants, and the aggregate volume of their purchases from the firms as

compared to the amount of products sold by these firms during the consent order period; (iii) the impact of the alleged violations on the claimant's business; (iv) the market conditions prevalent during the consent order period; (v) the claimant's position in the distribution chain, that is, whether it is a refiner, reseller, or ultimate consumer; and (vi) the manner in which the claimant's business is governed by federal, state or local regulatory agencies or other relevant private contractual agreements, such as those affecting agricultural cooperatives. A balancing of these factors will enable us to further the restitutionary goals of Subpart V and the underlying statutory objectives.

We are also establishing a minimum amount of \$15 for first-stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than \$15 outweighs the modest benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 81,541 at 85,225; *See also* 10 CFR 205.286(b).

Application for Refund Procedures

After having considered all the comments received concerning the first stage proceedings tentatively adopted in our April 9 decision, we have concluded that applications for refund should now be accepted from parties who purchased petroleum products from Northeast or Nordstrom. We will now discuss the specific requirements for applications for refund that we have adopted.

Applications for refund of a portion of the Northeast or Nordstrom consent order funds must be filed within 90 days after publication of this Decision and Order in the *Federal Register*. *See* 10 CFR 205.286. Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Northeast Consent Order Fund, Case Number BEF-0065 or Nordstrom Consent Order Fund, Case Number BEF-0081. If the applicant is not a direct purchaser from Northeast or Nordstrom, it should indicate from whom the product was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from Northeast or Nordstrom.

All applications for refund for an amount in excess of \$100 must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Avenue, N.W.,

Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application must indicate whether the applicant or any person acting on its instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application must also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief.

See 10 CFR 205.283(c); 18 U.S.C. section 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. All applications should be sent to: Northeast and Nordstrom Consent Order Refund Proceedings, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following subjects should be covered by each purchaser of Northeast or Nordstrom products:

A. Each applicant should report its volume of purchases by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges, if any.

B. Each applicant should specify how it used the Northeast or Nordstrom product, such as whether it was a reseller or ultimate user.

C. If the applicant is a reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981. (5) It should furnish the OHA with quarterly bank calculations for the entire period.

D. The applicant must state whether it or any of its affiliates have filed any other applications for refunds which might affect its level of banks.

E. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market

surveys to show that price increases to recover alleged overcharges were infeasible.

F. The applicant should report whether it is or has been involved as a party in DOE or private section 210 - enforcement actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its application for refund. *See* 10 CFR 205.9(d).

It Is Therefore Ordered That:

The Petitions for Implementation of Special Refund Procedures filed by the Economic Regulatory Administration in Case Numbers BEF-0065 and BEF-0081 are hereby granted. The refund amount provided by Northeast Petroleum Industries, Inc. and Nordstrom Oil Company will be distributed in the manner set forth in the foregoing decision.

George B. Breznay

Director, Office of Hearings and Appeals.

Dated: October 15, 1982.

Footnotes

(1) The DOE has entered into consent orders which have addressed concerns similar to those raised now by Northeast and Nordstrom. Those consent orders each provided for a specific method of distribution of the settlement funds, such as depositing the money in the United States Treasury. *See, e.g., Consent Order with Western Crude Oil, Inc.*, 46 FR 51641 (1981).

(2) These firms could use the refund process to build good will and ameliorate any potential harm to their customer relations by helping us locate those customers who may be eligible for refunds as Northeast suggested in its comments.

(3) In our April 9 decision we proposed that if a second stage should prove necessary in either case, state governments in the affected areas may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their control.

(4) Based on our experience in previous Subpart V cases, it is unlikely that the settlement funds will be exhausted in the first stage.

(5) Those resellers who did not elect to maintain bank calculations for the period May 1, 1980 through January 27, 1981, do not, of course, have to supply bank calculations for that period. *See* 45 FR 29546 (1980).

[FR Doc. 82-29428 Filed 10-26-82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of October 4 Through October 8, 1982

During the week of October 4 through October 8, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: October 18, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

P&R Trading Co., Clyde, Texas; HRO-0091
Crude Oil

On October 6, 1982, P&R Trading Company (P&R), Clyde, Texas, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Dallas Office of the Economic Regulatory Administration issued to the firm on September 9, 1982. The PRO charges that during the period September 1979 through November 1980, P&R violated pricing regulations in connection with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart L. According to the PRO, P&R's violations resulted in \$5,160,948.59 of overcharges.

Patriot Petroleum Distributors, Inc., Tampa,

Florida; HRO-0092 Motor Gasoline

On October 7, 1982, Patriot Petroleum Distributors, Inc., 410 Ware Boulevard, Tampa, Florida, 33269, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on September 17, 1982. In the PRO, the Southeast District found that during the period April 1, 1979 through June 30, 1979, Patriot sold motor gasoline at prices in excess of the maximum lawful selling prices permitted by the DOE Mandatory Petroleum Price Regulations. According to the PRO, the violations by Patriot resulted in \$116,995.48 of overcharges.

[FR Doc. 82-29429 Filed 10-26-82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Week of September 27 Through October 1, 1982

During the week of September 27 through October 1, 1982, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: October 19, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Inland Crude Purchasing Co., Wichita,
Kansas; HRO-0090

On September 28, 1982, Inland Crude Purchasing Co. of Wichita, Kansas filed a Notice of Objection to a Proposed Remedial Order which the Tulsa, Oklahoma office of the Economic Regulatory Administration of the DOE issued to the firm on September 14, 1982.

In the PRO the ERA found that during the period July 1979 through October 1980, Inland Crude Purchasing Co. violated the DOE regulations governing the maximum resale price for crude oil.

According to the PRO the Inland Crude Purchasing Co. violation resulted in overcharges in the amount of \$172,135.57 plus interest.

[FR Doc. 82-29430 Filed 10-26-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-81-2; ORD-FRL-2233-3]

Air Quality Criteria Document For Lead

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: A workshop will be held at

the Environmental Research Center, Research Triangle Park, North Carolina, on November 3-5, 1982, to facilitate preparation of the working draft chapters on potential exposures and epidemiology of the EPA *Air Quality Criteria Document for Lead*. The workshop begins at 1:00 p.m. Wednesday, November 3, continues through an evening session that night, and is expected to end by approximately 5:30 p.m. on Thursday, November 4. However, if necessary, the workshop will reconvene from 8:30 a.m.—12:00 Noon on Friday, November 5. The public is invited to attend as observers.

FOR FURTHER INFORMATION CONTACT:

Dr. David Weil, Project Manager, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone: 919/541-4163.

SUPPLEMENTARY INFORMATION:

The existing Air Quality Criteria Document for Lead (EPA-600/8-77-017) is being updated and revised pursuant to Sections 108 and 109 of the Clean Air Act, as amended, 42 U.S.C. 7408 and 7409, and will be used as a basis for the review and, as appropriate, revision of the National Ambient Air Quality Standard (NAAQS) for lead. As part of this process, EPA is assembling a panel consisting of its consulting authors and contributors, EPA personnel and other scientific and technically qualified persons selected by EPA to discuss the proposed revisions and suggest ways of resolving outstanding issues.

Persons wishing to attend these workshops as observers should contact David Weil (see "Further Information" above). Copies of the draft chapters to be discussed will be provided at the meeting to such observers, who will have an opportunity to make brief oral statements should they so desire. Ample opportunity for public review of the revised chapters and submission of written comments will be provided when the first external review draft of the entire document is submitted for EPA Science Advisory Board review.

Detailed notes of the meeting will be kept by EPA, containing an accurate summarization of key matters discussed and any conclusions reached. These notes, preliminary chapter drafts discussed at the meeting, and any other materials provided for or produced collectively at the meeting will be included in the docket established for the review of the lead document. The docket is available for inspection and

copying between the hours of 8 and 4 at EPA headquarters in the Central Docket Section (A-130), Gallery 1, West Tower, Waterside Mall, 401 "M" Street, SW., Washington, D.C. 20460. (The criteria document docket is No. ECAO-CD-81-2).

Dated: October 12, 1982.

Courtney Riordan,

Acting Assistant Administrator for Research and Development (RD-672).

[PR Doc. 82-29333 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/18C; PH-FRL 2234-1]

Ethylene Bisdithiocarbamates (EBDC'S); Determination Concluding the Presumption Against Registration; Notice of Availability of Decision Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination; Notice of Availability.

SUMMARY: Six EBDC chemicals were referred for review under the Rebuttable Presumption Against Registration (RPAR) process in August, 1977, because pesticide products containing these chemicals as active ingredients were shown to meet several of the Agency's risk criteria. This notice constitutes the final determination of the Agency concluding the RPAR proceedings for the EBDC's. The Agency has determined that EBDC registrants must amend their labels to adopt certain precautionary statements to protect users. Registrants must also agree to conduct additional toxicological studies.

DATE: Requests for a hearing must be received on or before November 29, 1982 or within thirty (30) days from receipt of this Notice, whichever occurs later.

ADDRESS:

Requests for a hearing must be submitted to: Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Copies of the Decision Document are available upon request from: Jeff Kemper, Special Pesticide Review Division (TS-791), Environmental Protection Agency, Rm. 711-E, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Jeff Kemper (703-557-7451).

I. Introduction

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as

amended, requires the Environmental Protection Agency (EPA) to review the risks and benefits of the uses of pesticides suspected of causing adverse effects to human health or the environment. On August 10, 1977, EPA issued a Rebuttable Presumption Against Registration (RPAR) notice of pesticide products containing the ethylene bisdithiocarbamates (EBDC's), which are widely used broad spectrum protective fungicides. Position Document 1 (PD 1), published together with the RPAR notice, provided background and supporting data for the presumptions of risk cited in the RPAR Notice. Specifically at issue in the RPAR action are the following six EBDC's registered with the Agency: Diammonium EBDC, mancozeb, maneb, metiram, nabam and zineb. The rebuttable presumption was based on evidence showing that the EBDC's pose risks as follows: acute toxicity to aquatic organisms, oncogenic effects in test animals, and teratogenic effects in test animals. In addition, the RPAR notice of August 10, 1977, cited three other possible adverse effects of the EBDC's for which insufficient evidence existing to initiate a rebuttable presumption: mutagenicity, thyroid effects and skin sensitization.

The EBDC's are registered for use as fungicides on fruits, vegetables, small grains, nuts, tobacco seed beds, field crops, floral and ornamental plants, pine nurseries (including Christmas trees), turf grass and grass grown for seed. They are used also as slimicides in water cooling systems, sugar mills, and pulp and paper mills. About 30 million pounds of the EBDC's are applied annually in the United States.

Since the RPAR against EBDC's was issued, the Agency has reviewed rebuttal comments and data submissions and has conducted in-depth risk and benefit analyses. This Notice announces the Agency's decision to continue registration for all uses of EBDC products as long as registrants comply with the terms and conditions of registration set forth in Unit III of this Notice. This Notice also announces the availability of the Decision Document which details the Agency's analyses and rationale for the determination.

This Notice is organized into four units. Unit I is this introduction. Unit II, entitled "Legal Background," is a general discussion of the regulatory framework within which those actions are taken. Unit III, entitled "Determinations and Initiation of Regulatory Action," sets forth the regulatory actions which the Agency is implementing concerning the EBDC's, the bases for these determinations and a summary of the Agency's analysis of the risks and

benefits of the EBDC's. Unit IV, entitled "Procedural Matters," discusses the procedures which will be followed in implementing the regulatory action which the Agency is announcing in this notice.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment," FIFRA section 3(c)(5). "Unreasonable adverse effects on the environment" is defined to mean "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide," FIFRA section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practice and in compliance with the terms and conditions of registration. The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may cancel the registration of a pesticide or modify the terms and conditions of registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal procedure to gather and evaluate information about the risk and benefits of these uses.

The regulations governing the RPAR process are set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. The Agency announces that an RPAR has arisen by publishing a notice of determination in the *Federal Register*. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to human beings or the

environment with regard to the adverse effects in question. In addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide outweigh the risk of use.

The regulations require the Agency to conclude an RPAR by issuing a notice of determination. In that notice, the Agency is required to state and explain its position on the question of whether the risk presumption has been rebutted. If the Agency determines that the presumption is not rebutted, it will then consider information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency. In determining whether the use of a pesticide poses risks which are greater than the benefits, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of the use. After weighing the risks and benefits of pesticide use, the Administrator may conclude the RPAR process by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations for the use should be cancelled, denied or reclassified.

FIFRA section 6(b) requires the Agency to submit proposed notices pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy. The Agency is required to publish any comments received from the Secretary and the Administrator's response to those comments with the notice of proposed action. Making any changes in the proposed action which are deemed appropriate as a result of the comments received, the Agency issues a notice containing its final determination of the regulatory actions (if any) which the Agency proposes to implement. Registrants and other people adversely affected by the Agency's actions can request a hearing to challenge the Agency's determination.

III. Determinations and Initiation of Regulatory Action

The Agency has considered information on the risks associated with EBDC uses including information submitted by registrants and other interested persons. The Agency has also considered information on the social, economic and environmental benefits of

the EBDC uses including benefits information submitted by registrants, the United States Department of Agriculture and other interested persons. The Agency's assessment of the risk and benefits of the EBDC uses, its conclusions and determinations whether EBDC uses pose unreasonable adverse effects on the environment, and its determination whether modifications in terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects, are set forth in detail in the decision document on EBDC. That document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this notice, and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the decision document, the determinations of the Agency on EBDC are as follows.

A. Determinations of Risk

1. *RPAR risk criteria and rebuttals.* The Agency has determined that the three risk criteria cited in the RPAR notice and in PD 1 as bases for the presumption against the EBDC's have not been rebutted. These criteria are: (1) acute hazards to aquatic species of wildlife (maneb and zineb), (2) oncogenicity (EBDC's and a metabolite, ethylenethiourea) and (3) teratogenicity (ethylene thiourea).

Two of these original risk criteria—oncogenicity and teratogenicity—represent potential risks to humans. Animal studies show that maneb, zineb and ethylene thiourea (ETU) are oncogenic in rats and mice. Likewise, several studies show that ETU is teratogenic in rats. The third criterion—acute hazards to aquatic wildlife—is no longer a concern for cranberry fields but is for the use of mancozeb on commercially grown wild rice.

The PD 1 also cited three areas of potential concern—thyroid toxicity, mutagenicity and skin sensitization.

The Agency has determined that the thyroid effects of the EBDC's exceeded the risk criterion for a rebuttable presumption. This criterion was not rebutted.

Available mutagenicity test results for the EBDC's are inconclusive and thus do not meet the mutagenicity risk criterion of "multitest evidence." The data for ETU meet the RPAR criterion of multitest evidence for microbial systems only. However, the data for both the EBDC's and ETU are incomplete and testing is needed before the Agency can judge the potential

mutagenicity of these chemicals to humans.

The Agency has reviewed the data submitted on skin sensitization and has concluded that the risk criterion was not met.

2. *Exposure assessment.* The avenues of exposure to ETU as a result of the various fungicidal uses of the EBDC's are dietary (oral), dermal and inhalational. An estimated 60,000 pesticide applicators, both professional and nonprofessional, work with the EBDC's. Dietary exposure potentially affects the entire U.S. population.

Human exposure to EBDC's was calculated for the U.S. population based on estimated consumption of dietary residues of ETU in treated crops. With limited ETU data, assumptions were made about the conversion of EBDC's to ETU and other factors. Upper limit (worst case) and lower limit (lowest case) estimates of exposure were estimated to be 0.00365 mg/kg/day and 0.0024 mg/kg/day of ETU, respectively. Although several rebuttals criticized the Agency for overestimating the upper limit of exposure, it is possible that the Agency underestimated the upper limit, since available data on possible residues of ETU in drinking water, meat, milk, eggs, animal feed and processed foods were not available. Uncertainty has also been added to the dietary exposure estimates because of limited data on: (1) ETU residue data on most raw agricultural commodities, (2) conversion of EBDC to ETU during food processing and (3) animal metabolism. Data in these areas are needed to estimate accurately dietary exposure.

In the near future the reregistration review of the EBDC's will identify the residue chemistry data gaps and require the data to be generated. When these data are available the Agency will be able to estimate more accurately exposure for risk assessment purposes, to assess the adequacy of tolerances and to reduce the uncertainty associated with the current dietary exposure estimates.

Applicator exposures were estimated for ETU inhaled or absorbed dermally during mixing or loading and during ground spray or aerial applications. Field data were used along with reasonable assumptions to estimate daily, seasonal and annual exposures. On the one hand, the fact that the available studies were not complete and that there are limited dermal penetration data for the EBDC's and ETU add uncertainty to the exposure estimates. On the other hand, the Agency has recently received preliminary data showing that ETU has been found in the

urine of applicators. Dermal absorption studies in rats are needed for each of the EBDC's to assure the accuracy of the applicator exposure estimates. Other studies may be identified in the near future in a reregistration review of the EBDC's.

3. *Risk assessment.* After estimating exposure, the Agency evaluated the potential risks of the EBDC's for each un rebutted risk criterion.

a. *Acute toxicity to aquatic organisms.* Since mancozeb is used only on commercially grown wild rice and since current cultural practices prevent most non-target organism exposure, it was concluded that the risks of acute toxicity to aquatic organisms are not unreasonable as long as an appropriate warning is added to the label.

b. *Oncogenicity.* The oncogenic potential for the EBDC's and ETU has been evaluated qualitatively and quantitatively.

Qualitatively, the Agency has concluded that the EBDC's may have the potential to cause oncogenic effects in humans based on the animal data. However, the Agency has recognized several arguments which attach uncertainty to quantitative assessment of risk.

First, the Agency agrees with rebutters that there are several deficiencies in the EBDC studies which make them unreliable for use in a risk assessment. Consequently, these studies were not used for the quantitative risk assessment.

Second, it was suggested by the rebutters that both the liver and thyroid tumors observed in animals were induced indirectly. The Agency recognized that this is possible, but has concluded that additional testing is needed to support this hypothesis. Such testing includes long term animal feeding, metabolism, and mutagenicity tests. In addition, the need for chronic feeding studies will be assessed during the reregistration review. Until the mechanism of action is clarified, a risk assessment model which assumes that EBDC and ETU are tumor initiators (i.e., a linear low dose model) will be used.

Third, the rebutters cited several "negative" animal and epidemiological studies as evidence that EBDC's and ETU are not oncogenic. The Agency acknowledged that such studies appeared to show negative results. But the Agency found shortcomings in these studies and concluded that they did not prove that the EBDC's and ETU are not potentially oncogenic.

Using a linear low dose (one-hit) model and assuming that this provides and upper bound of risk, the Agency quantitatively assessed the potential

lifetime oncogenic risks of the general public and applicators exposed to EBDC's and ETU. The Innes et al. (1969) mouse liver tumor data for ETU were used, since they were the most sensitive results available. Based on the estimated exposures, the lifetime risks to the U.S. population from estimated dietary residues of ETU ranged from 5×10^{-4} (upper limit exposure) to 5×10^{-5} (lower limit exposure). Risks to applicators over a 40-year working period ranged from 1×10^{-2} to 9×10^{-5} , depending on the crop, method of application and phase of operation (mixing/loading versus application).

In summary, the Agency assumed that the EBDC's and ETU may pose a potential oncogenic risk to man based on evaluation of animal data. In the absence of adequate oncogenicity and mutagenicity information to resolve the mechanism of action and the choice of a risk assessment model, the Agency estimated risks based on the one-hit model. The Agency views these estimates as only rough indications of potential effects. Moreover, the uncertainties associated with the exposure data indicate that the risk estimates may be higher or lower than the actual risks. The Agency has taken these issues into account in reaching its regulatory decision.

c. *Teratogenicity and thyroid toxicity.* Teratogenic and thyroid toxicity risks were evaluated by comparing the no observed effect level (NOEL) in animal studies with estimated human exposure levels to determine whether the margins of safety (MOS) were adequate. The MOS's for the U.S. population ranged from 200 to >1,000 for teratogenicity and from 70 to >1,000 for thyroid toxicity. Some of these estimated MOS's are not acceptable. However, the exposure estimates upon which these MOS's were based were extremely crude due to the lack of mammalian metabolism studies for conversion of EBDC's to ETU. Consequently, additional metabolism studies are being required at this time. Further, residue data will be required during a reregistration review in the near future to confirm the exposure estimates upon which the MOS's are based. The MOS's for applicators (<10 to 1,000) are not acceptable and protective clothing must be added to the label in order to prevent unreasonable adverse effects.

d. *Mutagenicity.* Based upon review of available studies, including the large data bases provided by Agency-sponsored and international collaborative testing programs, the Agency has determined that the EBDC fungicides have been inadequately tested for mutagenicity and therefore the

data are inconclusive. Additional testing is needed on each of the six EBDC chemicals before the Agency can adequately judge their potential mutagenicity.

A review of the data base on ETU has led to the conclusion that this chemical meets the criterion for mutagenicity on the basis of multitest evidence in microbial systems and no further testing for specific genetic end-points (gene mutation, chromosome aberrations, DNA damage/repair) is needed. However, the positive results reported in some short-term mammalian assays (specifically, mammalian cell transformation *in vitro*), which are of significant relevance to the potential oncogenicity of ETU and the EBDC's, prompts the need for confirmation in other short-term assays of this type for both ETU and each of the six EBDC's.

e. *Alternative fungicides.* Information on the risks of the alternative fungicides is incomplete. Without such information the Agency cannot clearly determine whether the risks of the alternatives are lower or higher than those of the EBDC's. These data will be obtained for most alternatives in the near future under the Agency's data call-in and reregistration review programs. Meanwhile, however, the lack of risk data on the alternative fungicides adds uncertainty to judgment about the risks of EBDC's.

B. Determinations on Benefits

The EBDC's are the most widely used fungicides in the United States, accounting for almost half of the organic fungicides applied to agricultural crops. The EBDC's also have important industrial uses such as in water cooling systems, sugar mills and pulp and paper mills. These chemicals are effective against a broad spectrum of fungi and plant diseases caused by fungi. They mix well with other pesticides and usually are less expensive than alternative fungicides.

The benefits of the EBDC fungicides were jointly assessed by the U.S. Department of Agriculture and the EPA in terms of the economic impacts which would result if the uses under review were cancelled and users were forced to apply available alternatives. Major economic impacts are expected should the EBDC fungicides be cancelled for lettuce, wild rice, and grass seed. Moderate impacts are anticipated from cancellation of bananas, mushrooms, spinach, sweet corn, green peppers, Christmas trees and pine nurseries, and flower/foilage plants. Minor impacts are projected for producers of apples, grapes, lima beans, tobacco and small grains, although certain individual

growers could experience major impacts. Minor impacts are projected for all other uses of the EBDC's. However, these aggregated conclusions only give part of the benefits picture.

First, the projected economic impacts of EBDC cancellation were calculated assuming the continued availability of alternative chemicals. If the registrations of one or more of these alternatives were cancelled, the economic impacts of EBDC cancellation could increase significantly. When fungicides are reviewed one-by-one, the benefits of any single fungicide or group of fungicides can be distorted so that the actual economic impact of cancellation is not accurately conveyed. This is demonstrated by the fact that the Preliminary Benefit Analysis for EBDC's indicates total impacts to be approximately \$150 million or more to two percent of the total economic benefit of fungicides—a seemingly minor contribution considering EBDC's account for 35 percent of organic fungicide use. Benefits for the remaining chemicals will increase disproportionately after a fungicide is cancelled.

Second, grower impacts would vary by region, although all regions would be affected. In general, individuals in the eastern coastal areas would be hardest hit, with the Southeast suffering the greatest losses, since the climatic conditions there tend to intensify the incidence of diseases which are most destructive to fruits and vegetables. The West would suffer fewer losses in production than the East, but heavy reliance on protective postharvest treatments of fruits and vegetables to protect them from spoilage during shipping and marketing would mean the impacts would still be significant. While absolute losses would be large for the Midwest, relative losses would tend to be lower because while all the seeds for their field crops are treated with fungicides, the vast acreages cultivated would moderate the percentage of crop value lost. Because Florida's warm, humid climate is more conducive to the types of fungal growth controlled by EBDC's Florida growers would be more severely affected by cancellation of EBDC's than would growers in other States. California, Arizona and Ohio growers would also suffer a disproportionate share of losses.

Third, should the EBDC fungicides be cancelled, consumer price increases would be expected for lettuce, spinach, bananas, green peppers, snap beans, watermelon and mushrooms. No consumer impacts are expected for all other uses of the EBDC's.

Fourth, the loss of the most efficacious fungicides could also result in incidents

of human poisoning due to the presence of mycotoxins in produce infected with fungi. To date, mycotoxins of human consequence have been reported to occur in four important food crops—peanuts, wheat, potatoes and apples. The potential for mycotoxin problems in other crops is unknown.

Overall, the Agency has concluded that the EBDC's have significant benefits to agriculture, industrial users and consumers.

C. Determinations on Unreasonable Adverse Effects

For reasons set forth in detail in the decision document, the Agency has determined that the benefits of EBDC use exceed the risks under certain conditions as follows:

1. The potential risk of acute toxicity to aquatic organisms resulting from EBDC use on commercial rice may be reduced satisfactorily by adding a statement to the label which warns users of the product's toxicity to fish and of potential environmental hazard (See Unit III.D. for exact label wording).
2. Current estimated risks of teratogenicity and thyroid toxicity to professional and agricultural applicators can be adequately reduced by requiring that protective clothing be worn during mixing and loading. Such clothing includes long pants, long-sleeved shirt, gloves, hat and boots. These must be specified on the label.
3. The issues of whether EBDC's or ETU pose a potential risk of oncogenicity, mutagenicity, teratogenicity or thyroid effects to man are subject to many uncertainties. The laboratory data on oncogenicity and mutagenicity are not adequate to resolve key scientific issues such as the mechanism of action of EBDC's and ETU. The data for determining dietary and applicator exposure are also not adequate to assess risks. Although oncogenic risks were estimated for ETU, the uncertainties surrounding the risk numbers make them difficult to use for regulatory decisions. Finally, risk data for the alternative fungicides are incomplete so that they cannot be compared to the EBDC's or ETU. Additional data on the EBDC's, ETU and alternative fungicides are required to enable the Agency to perform a proper risk assessment (see Unit III.D. for list of required tests). Although not all data that are needed can be identified at this time, the reregistration review for EBDC's and other fungicides scheduled for the near future will ascertain in greater detail what additional data are required to support the continued registration of these products.

Meanwhile, a risk reduction measure which will reduce human dietary exposure is to highlight preharvest intervals on all non-commercial labels so that home garden users will be encouraged to comply with them.

During the time period required for registrants to generate the requested data and for the Agency to evaluate them, it is anticipated that unreasonable adverse effects will not occur as long as registrants comply with the label changes and data requirements listed in Unit III.D. below.

D. Regulatory Actions

Based on the above conclusions, the Agency has determined that the RPAR will be ended and the registrations of EBDC's will be continued as long as registrants comply with the following terms and conditions:

1. Add a wildlife warning for use of mancozeb on commercially grown wild rice:

This product is toxic to fish. Discharge from treated areas may be hazardous to fish in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes.

2. Add a statement to the label requiring protective clothing (long pants, long sleeve shirt, gloves, hat and boots) be worn during mixing and loading.

3. Highlight preharvest intervals on labels of non-commercial (homeowner) products.

E. Other Determinations—Testing Requirements

Under Section 3(c)(2)(B) of FIFRA, the Agency will notify registrants of EBDC containing pesticides that they must agree to conduct, jointly or separately, tests to maintain current registrations. The requirement for these data will be independent of the Agency's RPAR determination as set forth in this notice to modify the terms of registration. The additional data include mutagenicity, metabolism, and dermal penetration tests for each of the six EBDC active ingredients and ETU. These tests must be submitted within 18 months of the date of the registrant's receipt of a 3(c)(2)(B) letter from the Agency. The Agency will review these studies with the intent of resolving the scientific uncertainties associated with the current risk assessment.

1. Submit the following studies within 18 months of receipt of a letter issued from the Agency in accordance with section 3(c)(2)(B) of FIFRA:

a. Metabolism studies designed to demonstrate the *in vivo* conversion of the various EBDC's to ETU and other metabolites. Unless adequate

justification is given, these studies must be performed on each of the six currently registered EBDC active ingredients. A metabolism study on ETU will not be required at this time because the Agency believes a recent study by the National Toxicology Program (1982) may provide adequate information.

b. Dermal absorption studies designed to demonstrate the dermal penetration of each of the EBDC's and ETU. Unless adequate justification is given, these studies should be performed on each of the six currently registered EBDC's. The study requires application of various doses of radiolabeled test compound to the shaved skin of male rats, followed at specific intervals after dosing by total urine collection, determination of blood concentration, determination of the quantity in the body and determination of the quantity remaining on the skin.

c. The following mutagenicity studies on each of the six registered EBDC's:

(1) Ames assays for gene mutation in *Salmonella typhimurium* (TA strains), or *Escherichia coli* WP2, performed with and without the use of mammalian metabolic activation (S-9) from (Aroclor) 1254-induced liver microsomes from both mouse and rat strains found to respond positively in oncogenicity testing.

(2) Host-mediated assays by both oral and parenteral routes of administration, in the same strains of mice and rats as in (1) with appropriate microbial or mammalian indicator cells.

(3) *In vitro* mammalian cell gene mutation assays, using the mouse lymphoma cell line L5178Y (for TK), or Chinese hamster ovary cells (CHO, for HGPRT), performed with and without the use of mammalian metabolic activation systems (S-9) derived from Aroclor 1254-induced liver microsomes from mice and rats.

(4) *In vitro* cytogenetic assays, for both gross chromosome aberrations (clastogenesis), and for sister-chromatid exchanges (SCE's), in replicate cultures of rodent hamster or human cell lines or strains or human lymphocytes, performed with and without the use of metabolic activation (S-9) from induced mice and rats.

(5) Primary hepatocyte repair test for unscheduled DNA synthesis (UDS), performed with the same strains of rats and mice as in (1), employing both *in vivo* as well as *in vitro* exposure to test compounds.

d. Mammalian cell transformation assays on each of the six EBDC's and ETU, with or without metabolic activation (as appropriate) in one of the following cell systems capable of detecting initiation—Syrian hamster embryo (SHE, clonal or focus assay), or

mouse embryo fibroblasts from the strains Bagg albino (BALB 3T3), or C3H (C3H-10T1/2)—and in one of the following viral cell cultures capable of detecting enhancement of transformation by chemicals (promotion)—SHE cells infected with simian adenovirus (SA7/SHE), or Fischer rat embryo V-9 cells infected with Rauscher leukemia virus (RLV/RE), or mouse embryo cells infected with AKR (mouse) leukemia virus (AKR/ME).

IV. Procedural Matters

This notice initiates actions to cancel registrations and deny applications for registrations of EBDC products for all uses unless the registrants or applicants modify the terms and conditions of registration as described in this Notice ("conditional" cancellation or denial).

As provided in FIFRA section 6(b), "the proposed action shall become final and effective at the end of 30 days from receipt by the registrant, or publication, of a notice issued under paragraph (1), whichever occurs later, unless within that time either (i) the registrant makes the necessary corrections, if possible, or (ii) a request for a hearing is made by a person adversely affected by the notice." Paragraph (1), FIFRA section 6(b)(1), provides that the Administrator may issue a notice of intent to cancel a registration or change its classification together with the reasons (including the factual basis) of his action.

FIFRA section 3(c)(6) provides that the Administrator may deny applications for registration " * * * unless the applicant corrects the conditions and notifies the Administrator thereof during the 30 day period beginning with the day after the date on which the applicant receives the notice * * *." FIFRA section (c)(6) also provides that "Upon such notification, the applicant for registration or other interest person with the concurrence of the applicant shall have the same remedies as provided for in section 6."

This part of the notice explains how registrants and applicants for registration may modify the terms and conditions of registration and how registrants, applicants for registration, and certain other interested or affected parties may request a hearing on the cancellation and denial actions that this notice initiates.

A. Procedures for Amending the Terms and Conditions of Registration

Registrants affected by the cancellation actions described above may avoid cancellation by amending the terms and conditions of registration within the 30 day period. This must be

done by submitting labels amended as follows:

1. Add a wildlife warning for use of mancozeb on commercially grown wild rice:

This product is toxic to fish. Discharge from treated areas may be hazardous to fish in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes.

2. Add a statement to the label requiring protective clothing (long pants, long sleeve shirt, gloves, hat and boots) be worn during mixing and loading.

3. Highlight preharvest intervals on labels of non-commercial (homeowner) products.

The amended label must be submitted to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C) Office of Pesticide Programs, Environmental Protection Agency, Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703-557-1900).

B. Procedures for Requesting a Hearing

Registrants affected by the cancellation actions described above may request a hearing on such actions within thirty (30) days of receipt of this notice or within thirty (30) days from publication of this Notice in the *Federal Register*, whichever occurs later. Any other person adversely affected by this Notice described above may request a hearing within thirty (30) days from publication of this notice in the *Federal Register*.

Applicants for registration affected by the denial actions described above may request a hearing on such actions within thirty (30) days of receipt of this notice, or within thirty (30) days of publication of its notice in the *Federal Register*, whichever occurs later. Other interested persons may, with the concurrence of the applicant, request a hearing during the time period available to the applicant.

All registrants, applicants, and other interested or affected parties who request a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require among other things that: (1) All requests must identify the specific registration(s) or application(s) and the specific use(s) for which a hearing is requested, (2) all requests must be accompanied by objections that are specific for each use of the identified pesticide products for which a hearing is requested, and (3) all requests must be received by the hearing clerk within the applicable thirty (30) day period. Failure

to comply with these requirements will automatically result in denial of the request for a hearing.

Request for hearings must be submitted to: Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

C. How to Avoid Cancellation of Registration or Denial of Application

In order to avoid cancellation of registration or denial of registration application, one of the three following actions must be taken:

1. Submit an application to amend the registration or application as described above in paragraph A;
2. Request a hearing, as described above in paragraph B, to challenge *all* conditions described in paragraph A which apply to the product; or
3. Request a hearing, as described above in paragraph B, to challenge *some* of this notice's conditions and submit an application to amend the registration or application in accordance with paragraph A with respect to all the notice's conditions not so challenged.

Note.— If a hearing is requested to challenge *some* of the notice's conditions, but the registrant or applicant fails to file an application to amend the registration or application by incorporating the unchallenged conditions within the thirty-day period, the registration will be cancelled or the application denied by operation of law.

Dated: October 14, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-29494 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59102A; TSH-FRL 2235-2]

Substituted Alkyl Cyclic Amine; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-51) under section 5 of the Toxic Substances Control Act (TSCA) on September 20, 1982. Notice of receipt of the application was published in the Federal Register of September 30, 1982 (47 FR 43159). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on October 19, 1982.

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW.,

Washington, D.C. 20460, (202-382-3737).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 20, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-51. The submission is for a substituted alkyl cyclic amine. The substance will be used as a plastic additive. The submitter claimed its identity, the specific identity, and specific use as confidential business information. A maximum of 4,000 pounds (lbs) will be imported and will be test marketed for a period not to exceed 1 year. The importer states that 10-12 workers could have dermal or inhalation exposure to the test market substance during processing. A maximum of 18 workers could have dermal or inhalation exposure at the use location.

A notice published in the **Federal Register** of September 30, 1982 (47 FR 43159) announced receipt of this application and requested comment on

the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance submitted in TM-82-51 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment. The Agency identified no significant health or environmental effect concerns.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 4,000 lbs described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 1 year commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: October 20, 1982.

Don R. Clay

Director, Office of Toxic Substances.

[FR Doc. 82-29493 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59101B; TSH-FRL 2235-1]

Substituted Polyethyleneamine Polyisobutenyl Succinimide; Approval of Test Marketing Exemption**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-50) under section 5 of the Toxic Substances Control Act (TSCA) on September 16, 1982. Notice of receipt of the application was published in the *Federal Register* of September 24, 1982 (47 FR 42151). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on October 19, 1982.

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, D.C. 20460, (202-382-3742).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the *Federal Register*. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 16, 1982, EPA received an application for an exemption from

the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-50. Texaco Chemical Company claimed the specific chemical identity, the production volume, and manufacturing process of the new substance as confidential business information. The generic name of the new substance is substituted polyethyleneamine polyisobutenyl succinimide. It will be used as a lubricant additive. There is a potential for dermal exposure to 10 workers during manufacturing and processing. The biggest potential exposure will be to consumers during use. The test marketing period is not to exceed 7 months. A notice published in the *Federal Register* of September 24, 1982 (47 FR 42151) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-82-50, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. No significant health effects or environmental effects were identified for the TME substance. Release to the environment will be low from manufacturing and processing and dispersal from use.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed that described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 7 months commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: October 19, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-21492 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50583; PH-FRL 2230-6]

Pesticides; Issuance of Experimental Use Permits**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

279-EUP-88. Issuance. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 10,000 pounds of the insecticide cypermethrin on cotton to evaluate the control of various insects. A total of 35,000 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 7, 1982 to June 7, 1983. Temporary tolerances for residues of the active ingredient in or on cottonseed;

milk; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep have been established. A food additive regulation for residues of the active ingredient in or on cottonseed oil has been established (21 CFR 193.87). (Franklin Gee PM 17, Rm. 207, CM#2, (703-557-2690))

8730-EUP-11. Renewal. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 330 pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate the control of the artichoke plume moth. A total of 40 acres are involved; the program is authorized only in the State of California. The permit was previously effective from July 14, 1981 to July 14, 1983. It is now effective from July 26, 1982 to July 26, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on artichokes has been established. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

47360-EUP-2. Issuance. Mississippi Agricultural and Forestry Experiment Station, P.O. Box 197, Stoneville, MS 38776. This experimental use permit allows the use of 38 gallons each of the herbicides bentazon and acifluorfen and 50 gallons of fluchloralin on soybeans to evaluate the effectiveness of aerial and ground application methods for applying preplant incorporated and postemergence herbicides. A total of 75 acres are involved; the program is authorized only in the State of Mississippi. The experimental use permit is effective from June 30, 1982 to June 30, 1983. Permanent tolerances for residues of the active ingredients in or on soybeans have been established (40 CFR 180.335, 180.363, and 180.383). (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

47664-EUP-1. Issuance. Richard M. Poche, P.O. Box 513, Conifer, CO 80433. This experimental use permit allows the use of 2.5 pounds of the insecticide zinc phosphide on orchards, rangelands, sugarcane fields, and in and around warehouses to evaluate the control of gophers, ground squirrels, prairie dogs, rats, and voles. A total of 20 acres are involved; the program is authorized only in the States of Colorado, Florida, and Washington. The experimental use permit is effective from August 5, 1982 to August 5, 1983. Permanent tolerances for residues of the active ingredient in or on grapes, grasses (rangeland), and sugarcane have been established (40 CFR 180.284). (William Miller, PM 16, Rm. 211, CM#2, (703-557-2600))

707-EUP-95. Extension. Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105. This

experimental use permit allows the use of 6,000 pounds of the chemical hybridizing agent potassium 1-[p-chlorophenyl]-1,4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate on wheat to evaluate its hybridizing potential. A total of 4,445 acres are involved; the program is authorized only in the States of Arkansas, Colorado, Illinois, Indiana, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas. The experimental use permit is effective from October 18, 1982 to October 18, 1983. A temporary tolerance for residues of the active ingredient in or on wheat (second generation, grown out of the hybrid seed and untreated male parent) has been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

7182-EUP-22. Extension. 3M Company, 3M Center, Building 232-GSE-04, St. Paul, MN 55144. This experimental use permit allows the use of 1,200 pounds of the plant growth regulator mefluidide on pasturegrass to evaluate its effect on forage quality enhancement and animal productivity enhancement. A total of 4,800 acres are involved; the program is authorized only in the States of Illinois, Indiana, Kentucky, Maryland, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Virginia. The experimental use permit is effective from August 6, 1982 to August 6, 1983. Temporary tolerances for residues of the active ingredient in or on pasturegrasses; pasturegrass hay; milk; meat of cattle, sheep, goats, and horses; fat of cattle, goats, and horses; and meat byproducts of cattle, sheep, goats, and horses have been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1900))

47894-EUP-1. Issuance. York County Mosquito Control, P.O. Box 532, Yorktown, VA 23690. This experimental use permit allows the use of one pound of the insecticide 3-methyloctadecanoic acid on marshes, sewages, and swamps to evaluate the control of mosquitoes. A total of 500 acres are involved; the program is authorized only in the State of Virginia. The experimental use permit is effective from September 10, 1982 to September 10, 1983. This permit is issued with the limitation that none of the material will enter the food-chain or any water system which is used as drinking water for humans or animals intended for human consumption. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested

persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: October 7, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-28943 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Telecommunications Industry Advisory Group Expense Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of three meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee scheduled to meet on Wednesday, November 10, 1982, Tuesday, November 30, 1982, and Tuesday, December 14, 1982. Each meeting will begin at 9:30 a.m. The meeting locations are as follows:

Wednesday, November 10, 1982

GTE Service Corporation, Suite 900, 1120 Connecticut Avenue, NW., Washington, D.C.

Tuesday, November 30, 1982

Southern Pacific Communications Commission, Suite 500, 1828 L Street, NW., Washington, D.C.

Tuesday, December 14, 1982

Federal Communications Commission, Room No. 7317, 2025 M Street, NW., Washington, D.C.

The agenda are as follows:

- I. General Administrative Matters
- II. Discussion of Assignments
- III. Other Business
- IV. Presentation of Oral Statements
- V. Adjournment.

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Howes (212/393-

4029) at least five days prior to the meeting date.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[FR Doc. 82-29382 Filed 10-26-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Penn Square Bank, N.A., Oklahoma City, Oklahoma: Notice of Appointment of Receiver and Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: In order to facilitate the performance of its duties as Receiver of the Penn Square Bank, N.A., Oklahoma City, Oklahoma, the Federal Deposit Insurance Corporation (hereafter the "FDIC") publishes the following notice. It is hoped that publication of this notice will resolve any uncertainties concerning the appointment of the FDIC as Receiver and the authority of the liquidator and assistant liquidators to act on behalf of the Receiver. Publication of this notice is also intended to comply with the provisions of title 16, Section 20 of the Oklahoma Statutes (16 O.S. § 20), thus relieving the liquidator and the assistant liquidators, each of whom holds a power of attorney, of the necessity of recording their power in various different localities in order to effect a conveyance of interests in property.

Notice: By Resolution dated July 5, 1982, the Comptroller of the Currency of the United States Declared the Penn Square Bank, N.A., Oklahoma City, Oklahoma, to be insolvent. Pursuant to title 12 of the United States Code, sections 191 and 1821(c) (12 U.S.C. §§ 191 and 1821 (c)), the Comptroller on the same date appointed the FDIC Receiver of the Penn Square Bank. Acting pursuant to a delegation dated November 16, 1981, the Director of the FDIC's Divisions of Liquidation appointed James P. Hudson liquidator of the Penn Square Bank on July 5, 1982. Subsequently, the following individuals were appointed assistant liquidators: W. Norman Davis, Gregory P. Murphy, Ronald W. Carris, Donald J. Lubitz, Lewis Green, Lamar C. Kelly.

Effective October 25, 1982, Thomas R. Procopio will replace James P. Hudson as liquidator.

For the purpose of facilitating the liquidation of the assets held by the Receiver, the liquidator and each of the

above-named assistant liquidators has been provided a general power of attorney by the FDIC. Each has thus been authorized and empowered: to sign, seal, and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery by the FDIC for any and all such sums, moneys and properties of every kind and nature whatsoever for and on behalf of the FDIC, and to give receipts and acquittances therefor in the name and on behalf of the FDIC, for any and all such sums, moneys and properties received or taken into his possession; and further, without limitation on the generality of the foregoing, each is authorized and empowered for and in the name of the FDIC, to release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the office of any prothonotary or register of deeds, wherever located where payments on account of the same in redemption or otherwise may have been made by the parties debtor, to endorse receipt of such payment upon the records in any such office or in any other appropriate public office; also to receipt, collect and give all proper acquittances for any other sums of money owing the FDIC or payable to the FDIC for any asset which he may sell or dispose of; also to execute any and all transfers and assignments as may be necessary to assign any shares, bonds, securities or other choses in action; also to sign, seal, acknowledge and deliver any and all leases and agreements as he shall deem necessary or proper in the care and management of the foregoing assets; to sign effectual receipts for the payment of all rents and profits due or to become due thereon; also to extend, postpone, release and satisfy or do any other thing advisable in his discretion affecting the lien of any mortgage or mortgages now or hereafter held, standing or appearing upon the records in any public office wherever located; also to execute, acknowledge, and deliver, in the name of the FDIC, a power of attorney, wherever necessary or required by law, to any attorney employed by the FDIC, and in its name and stead, to foreclose any mortgages, or other securities on either real or personal property, wherever located, which it may now own or hereafter acquire, and generally to do and perform every act necessary, convenient or desirable in the use, liquidation and collection of the foregoing assets held by the FDIC wherever located.

It should be noted that the FDIC may from time to time substitute or appoint

additional persons to the positions of liquidator and assistant liquidator.

Dated October 20, 1982.
Federal Deposit Insurance Corporation
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 82-29451 Filed 10-26-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

Modern Savings and Loan Association, Pasadena, Tex. Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole Receiver for Modern Savings and Loan Association, Pasadena, Texas, effective October 21, 1982.

Dated: October 22, 1982.

J. J. Finn,
Secretary.

[FR Doc. 82-29554 Filed 10-26-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

October 19, 1982.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for

OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829).

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

Request for Change to an Existing Report Package

1. Report titles: Supervisory Supplement 2 (Repricing Opportunities for Selected Balance Sheet Categories) and Supervisory Supplement 3 (Commitments and Contingencies) to the Report of Condition and Income.

Agency form numbers: FFIEC 010-015.

Frequency: Quarterly.

Reporters: State member banks.

SIC Code: 602pt.

Small businesses are affected.

General description of report: approximately 4,084 responses; approximately 158,239 hours needed to complete the entire Call and Income report package on an annual basis; an average of 38 hours per response; respondent's obligation to reply is mandatory (12 U.S.C. 324); a pledge of confidentiality is not made for Supervisory Supplements 2 and 3 (all elements of the package are available to the public with exception of a portion of Supervisory Supplement 1); cost to the public of the entire Call and Income Report package is approximately \$3,164,780; cost to the Federal Government is \$435,453; 6 forms submitted for approval; the report is not

being reviewed under Section 3504(h) of Pub. L. 96-511.

Included in the Federal Reserve submission to OMB is a proposal for the addition of two supplements to the quarterly Report of Condition and Income (Call Reports) submitted by state member banks. These supplements will collect data needed to monitor a bank's exposure to interest rate risk and the extent to which a bank might have undertaken risks in the form of commitments and contingencies. The Federal Reserve will utilize these data to assess potential dangers to the safety and soundness of the banking system and to improve the monitoring of the condition of banks between on-site examinations. (The Federal Deposit Insurance Corporation and the Comptroller of the Currency are proposing to collect comparable data for their own use.)

Board of Governors of the Federal Reserve System, October 21, 1982

James McAfee,

Associate Secretary of the Board

[FR Doc. 82-29481 Filed 10-26-82; 8:45 am]

BILLING CODE 6210-01-M

Ameribank Corp.; Formation of Bank Holding Company

Ameribank Corporation, Shawnee, Oklahoma, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Americorp, Shawnee, Oklahoma ("Company"), which owns 100 per cent of the voting shares of American National Bank & Trust Company of Shawnee, Shawnee, Oklahoma ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Ameribank Corporation, Shawnee, Oklahoma, has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain certain nonbanking activities presently engaged in by Company or indirectly through its subsidiary, Banker's Insurance Agency of Shawnee, Inc. These activities included making or acquire loans or other extensions of credit, for Company's own account or for the account of others. These lending activities are conducted from an office located in Shawnee, Oklahoma, serving an area within a 25 mile radius of Shawnee, Oklahoma. Company's subsidiary engages in the sale of life, accident and health, and mortgage

cancellation insurance directly related to extensions of credit by Bank. These activities are conducted from offices in Shawnee, Oklahoma, serving Pottawatomie County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 19, 1982.

Board of Governors of the Federal Reserve System, October 21, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29423 Filed 10-26-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

National Archives Advisory Council; Meeting

Notice is hereby given that the National Archives and Records Service Advisory Council will meet on November 4, 1982 from 2:00 p.m. to 5:30 p.m. and November 5, 1982 from 9:00 a.m. to 4:30 p.m. in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408. The meeting

will be devoted to a review of the current state of the Archives, reports from Council Subcommittees, and related matters of concern to the operation of the National Archives and Records Service of the United States.

The meeting will be open to the public.

Dated: October 15, 1982.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 82-29526 Filed 10-26-82; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Aging Review Committee: Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Aging Review Committee, National Institute on Aging, on December 1, 2, and 3, 1982, in Building 31, Conference Room 10 (C wing), National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on December 1, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 1, from 10:00 a.m. to adjournment on December 3, for the review, discussion and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,
National Institutes of Health.

[FR Doc. 82-29463 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee on November 15-16, 1982, convening each day at 8:30 a.m. in the NMAC Classroom, Lister Hill Center Building of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on November 16, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on November 17 from 9:00 a.m. to 12 noon in the 5th Floor Conference Room of the Lister Hill Center Building.

The meeting on November 15 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the regular meeting and subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: The regular meeting on November 15 from 11:00 a.m. to 5:00 p.m., and on November 16 from 8:30 a.m. to adjournment; and the subcommittee meeting on November 17 from 9:00 a.m. to 12 noon. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301-496-4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,
Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29465 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), November 18, 19 and 20, 1982, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 p.m. to 9:30 p.m. on November 18; from 9:00 a.m. to 12:05 p.m. and from 2:00 p.m. to 4:15 p.m. on November 19; from 9:00 a.m. to 11:30 a.m. on November 20. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 7:30 p.m. to 8:00 p.m. and 9:30 p.m. to 10:00 p.m. on November 18; from 12:05 p.m. to 2:00 p.m. and 4:15 p.m. to adjournment on November 19; from 11:30 a.m. to adjournment on November 20, for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIADDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N-222, Bethesda, Maryland 20205, (301) 496-4128.

Dated: October 18, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29466 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on November 29, 30, and December 1, 1982. On November 29 and 30, the meeting will be held in Room 11C401, Building 10, National Institutes of Health, Bethesda, Maryland. On December 1, the meeting will be held in Conference Room 7A-24, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on November 29 and 30 from 8:30 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Clinical Investigation will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting of the Board will be closed to the public on December 1 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: October 13, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29457 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Center Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, November 18, 1982, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on November 18 from 8:30 a.m. to 10:00 a.m. to review administrative details, and to present reports by the Division Director, Branch Chief, and Executive Secretary on committee concerns. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 18, from 10:00 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert L. Manning, Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.397, project grants in cancer center support, National Institutes of Health)

Dated: October 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered

appropriate" in section 8(b) (4) and (5) of the Circular.

[FR Doc. 82-29468 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Special Program Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Special Program Advisory Committee, National Cancer Institute, November 15-16, 1982, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on November 15 from 9:00 a.m. to 10:00 a.m. for reports by the Executive Secretary and the Branch Chief and to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 15, from 10:00 a.m. to adjournment, and on November 16, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William R. Sanslone, Executive Secretary, Cancer Special Program Advisory Committee, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.392, project grants in cancer construction, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: October 19, 1982.

Betty J. Beveridge,
Committee Management Officer, National
Institutes of Health.

[FR Doc. 82-29469 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Cellular and Molecular Basis of Disease Review Committee and the Genetic Basis of Disease Review Committee; Joint Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the joint meeting of the Cellular and Molecular Basis of Disease Review Committee and the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, on November 19, 1982, at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on November 19, 1982, from 8:30 a.m. until 10:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 10:00 a.m. on November 19, 1982, until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Helen R. Sunshine, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee and Executive Secretary, Genetic Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 949, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7585) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, Cellular and Molecular Basis of Disease Research and Catalog of Federal Domestic Assistance Program No. 13-862, Genetic Research)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,
Committee Management Officer, National
Institutes of Health.

[FR Doc. 82-29461 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Clinical Cancer Program Project Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, December 2-3, 1982, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on December 2 from 8:30 a.m. to 10:00 a.m. for reports by the Chairperson, Executive Secretary, and other staff members; and to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 2, from 10:00 a.m. to adjournment; and on December 3, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Louise G. Thomson, Executive Secretary, Clinical Cancer Program Project Review Committee, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.397, project grants in cancer center support, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: October 19, 1982.

Betty J. Beveridge,
Committee Management Officer, National
Institutes of Health.

[FR Doc. 82-29467 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors, NINCDS; Meeting

Pursuant to the Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, November 10-12, 1982: in Woods Hole, Massachusetts, Swope Center, Meigs Room on November 10; and Conference Room 1B07, Building 36, Bethesda, Maryland, on November 11 and 12. This meeting will be open to the public from 10:00 a.m. to 2:00 p.m. on November 10, and 9:00 a.m. to 5:00 p.m. on November 11 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 8:30 a.m. to 10:00 a.m. on November 10 and 9:00 a.m. until the conclusion of the meeting on November 12 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordination, Mr. Edward M. Donohue, Federal Building, Room 1004, 7550 Wisconsin Avenue, Bethesda, Maryland, 20205, telephone (301) 496-9231, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is Dr. Thomas N. Chase, Director, Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, Maryland, 20205, telephone (301) 496-4297.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health

[FR Doc. 82-29458 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, November 22-23, 1982, Conference Room 7, Building 31, 9000 Rockville Pike, Bethesda, MD.

The meeting will be open to the public on November 22, 1982, from 9:00 to approximately 12:00 noon, to discuss administrative matters and program plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 22, 1982, from approximately 1:00 p.m. to recess, and on November 23, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-10, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room. 5B51, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6595, will furnish substantive program information.

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29464 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on December 3-4, 1982, in Building 31, Conference Room 7.

This meeting will be open to the public on December 3, 1982 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 3, from approximately 9:30 AM until adjournment on December 4, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A, Westwood Building, Room 648, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29459 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on December 3-4, 1982, in Building 31, Conference Room 9.

This meeting will be open to the public on December 3, 1982, from 8:30 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 3, 1982, from approximately 10:00 AM to adjournment on December 4, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: October 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29470 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Maternal and Child Health Research Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 16-17, 1982, in the Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 16, from 9:00 a.m. to 10:15 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Associate Director for Scientific Review, and Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code, Sections 552b(c)(4) and 552b(c)(6) and section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 16 from 10:30 a.m. to adjournment on November 17 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301-496-1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 6C03, National Institutes of Health, Bethesda, Maryland, Area Code 301-496-1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the

description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: October 12, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29455 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on November 18, 1982, in Conference Room A, Landow Building, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 18 from 8:00 a.m. to 9:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, National Institute of Child Health and Human Development, and the Executive Secretary, Mental Retardation Research Committee.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 18 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, 6C-08, National Institutes of Health, Bethesda, Maryland, Area Code 301-496-1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 6C-04, National Institutes of Health, Bethesda, Maryland, Area Code 301-496-1696, will furnish substantive program information.

Dated: October 12, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29454 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Building 31C, Conference Room 8, on November 8-9, 1982.

This meeting will be open to the public on November 8, from 9:00 a.m. to 10:30 a.m. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public for approximately the last six hours of the day on November 8 and until adjournment on November 9. It is estimated that this will occur from 10:30 a.m. to 5:00 p.m. on November 8 and from 8:30 a.m. until adjournment on November 9, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A-10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Harriet L. Gordon, M.D., Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496-7585.

Dated: Oct. 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29453 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Pharmacological Sciences Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pharmacological Sciences Review Committee, National Institute of General Medical Sciences, National Institutes of Health, November 11 and 12, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on November 11 from 9:00 a.m. to 10:30 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on November 11, from approximately 10:30 a.m. to 5:00 p.m. and on November 12, from 8:30 a.m. to adjournment. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NICMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205 (Telephone: 301, 496-7301), will provide a summary of the meeting and a roster of committee members. Substantive program information may be obtained from Dr. Anthony Demsey, Executive Secretary, Pharmacological Sciences Review Committee, Westwood Building, Room 950, Bethesda, Maryland 20205 (Telephone: 301, 496-7125).

Dated: October 12, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Research, National Institute of General Medical Sciences, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29462 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Population Research Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on November 4-5, 1982 in the Landow Building, Conference Room "A," 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 4 from 9:00 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code, sections 552b(c)(4) and 552b(c)(6) and section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 4 from 10:30 a.m. to adjournment on November 5 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C-08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of committee members. Dr. Dinesh C. Sharma, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 6C-03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1696, will furnish other information.

Dated: October 12, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered

appropriate" in section 8(b)(4) and (5) of that Circular.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29456 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Research Manpower Review Committee; meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on November 8-9, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland, 20814.

This meeting will be open to the public on November 8, 1982, from 8:00 p.m. to approximately 10:00 p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in section 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 9, 1982, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Carol H. Letendre, Executive Secretary, NHLBI, Westwood Building, Room 548, Bethesda, Maryland 20205, phone (301) 496-7363, will furnish substantive program information.

Date October 8, 1982.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered

appropriate" in Section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29460 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Vision Research Program Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, November 18 and 19, 1982, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 18 from 8:30 a.m. to 9:00 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:00 a.m. on November 18 until adjournment on November 19 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A-03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-06, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-5561, will furnish substantive program information.

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered

appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29452 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-82-1175]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to

OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements

Office: Labor Relations.

Form Number: HUD-1421.

Frequency of Submission: Nonrecurring.

Affected Public: Prime Construction Contractors.

Estimated Burden Hours: 3,000.

Status: Extension.

Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Subcontractor's Certificate Concerning Labor Standards and Prevailing Wage Requirements

Office: Labor Relations.

Form Number: HUD-1422.

Frequency of Submission: Nonrecurring.

Affected Public: Subcontractors and Lower-Tier Construction Subcontractors.

Estimated Burden Hours: 15,000.

Status: Extension.

Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Survey of Prevailing Maintenance Wage Rates For Public Housing Authorities

Office: Labor Relations.

Form Number: HUD-5136.

Frequency of Submission: Annually.

Affected Public: Local Public Agencies.

Estimated Burden Hours: 7,250.

Status: Extension.

Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Single Family Mortgage Insurance Premium Questionnaire

Office: Administration.
Form Number: HUD-2753.
Frequency of Submission: Monthly.
Affected Public: HUD—Approved Mortgagees.
Estimated Burden Hours: 960.
Status: Revision.
Contact: Linda F. Milner, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Low-Income Multifamily Housing Rehabilitation 167(k) and Non-167(k) Project Survey Questionnaire

Office: Policy Development and Research.
Form Number: None.
Frequency of Submission: Nonrecurrent.
Affected Public: Developers and Managers of Low-Income Housing Rehabilitation Projects.
Estimated Burden Hours: 120.
Status: New.
Contact: David Einhorn, HUD, (202) 755-6164; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Weekly Payroll Report

Office: Labor Relations.
Form Number: WH-347.
Frequency of Submission: Weekly.
Affected Public: Construction Contractors.
Estimated Burden Hours: 900,000.
Status: Extension.
Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Request for Determination and Response to Request

Office: Labor Relations.
Form Number: SF-308.
Frequency of Submission: Nonrecurrent.
Affected Public: Public Housing Authorities, and Community Development Block Grant Recipients, States.
Estimated Burden Hours: 667.
Status: Extension.
Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Affirmative Fair Housing Marketing Plan

Office: Fair Housing and Equal Opportunity.
Form Number: HUD-935.2.
Frequency of Submission: Nonrecurrent.
Affected Public: Sponsors or Developers of Federally-assisted Housing Projects and Subdivisions of Five or more (Except Low-Income Housing).
Estimated Burden Hours: 4,500.
Status: Extension.
Contact: Steve Tursky, HUD, (202) 755-5288; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 8, 1982.
Donald J. Keuch, Jr.,
 Deputy Assistant Secretary for Administration.

[FR Doc. 82-29388 Filed 10-25-82; 8:45 am]
 BILLING CODE 4210-01-M

[Docket No. N-82-1177]**Notice of Submission of Proposed Information Collections to OMB**

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as

required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Title 1 collection letters.
Office: Housing.
Form Number: HUD-9812.
Frequency of Submission: On occasion.
Affected Public: Individuals or households.
Estimated Burden Hours: 332.
Status: Extension.
Contact: John L. Brady, HUD, (202) 755-6857; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).
Dated: September 9, 1982.

Proposal: Title 1 collection letters.
Office: Housing.
Form Number: HUD-9812B.
Frequency of Submission: On occasion.
Affected Public: Individuals or households.
Estimated Burden Hours: 83.
Status: Extension.
Contact: John L. Brady, HUD, (202) 755-6857; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-29474 Filed 10-26-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1176]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: Proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal

should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Manufactured Housing and Construction Safety Standards

Reporting

Office: Housing

Form Number: None

Frequency of Submission: On Occasion and Monthly

Affected Public: State and Local Governments and Businesses or Other Institutions (except farms)

Estimated Burden Hours: 174,308

Status: New

Contact: Tobias Gottesman, HUD, (202) 755-6584; Robert Neal, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 7, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-29473 Filed 10-26-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Papago Reservation, Ariz.; Ordinance Regulating the Use, Possession, Sale and Distribution of Intoxicating Beverages

October 12, 1982.

This Notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify the Ordinance No. 05-82 relating to the application of the Federal Indian Liquor laws on the Papago Indian Reservation, Arizona was duly adopted on April 6, 1982, by the Papago Council which has jurisdiction over the area of Indian country included in the ordinance which reads as follows:

Kenneth Smith,

Assistant Secretary-Indian Affairs.

Ordinance of the Papago Tribal Council
Alcoholic Beverages Licensing and Control
Ordinance

Ord. No. 05-82

Statement of Purpose: An ordinance alternatively prohibiting or sanctioning and licensing the introduction, sale, possession and consumption of alcoholic beverages within the exterior boundaries of the Papago Reservation, Arizona.

Be it enacted by the Council of the Papago Tribe of the Papago Reservation as follows:

Article I—Title; Interpretation; Prohibition; District Option; Sanction

Section 1—Short Title

This ordinance may be cited as the Alcoholic Beverages Licensing and Control Ordinance of the Papago Tribe.

Section 2—Interpretation

This ordinance shall be deemed an exercise of the police power of the Papago Tribe for the protection of the public welfare, health, peace, and morals of the people of the Papago Reservation and all provisions of this ordinance shall be liberally construed for the accomplishment of this purpose.

Section 3—Prohibition

The introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the Papago Reservation in violation of the federal Indian liquor laws, 18 U.S.C. 1154 and 1156, or in violation of the Law and Order Code of the Papago Tribe is prohibited, except within the exterior boundaries of any of the eleven (11) Districts of the Papago Reservation which have, in accordance with the provisions of Section 4 of this Article, sanctioned the introduction, sale, possession and consumption of spirituous liquor within the District in conformity with this ordinance.

Section 4—District Option

Each of the eleven (11) Districts of the Papago Reservation is empowered to sanction the introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the District in conformity with this ordinance as follows:

(A) **District Council:** The District Council may by action of a majority of its members sanction the introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the District. The action of the District Council shall be memorialized by formal resolution and shall be submitted to the Papago Council for approval. Upon approval of the resolution by the Papago Council, the introduction, sale, possession and consumption of spirituous liquor in conformity with this ordinance shall be lawful within the exterior boundaries of the District.

(B) **Election:** The question of whether a District should sanction the introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the District in conformity with this ordinance shall be put to a referendum vote of the registered voters of the District upon receipt by the Papago Election Board (1) of a resolution of the District Council requesting such referendum election, or (2) of a petition of registered voters of the District requesting such referendum election signed by at least ten percent of the number of voters voting for candidates for the office of Representative to the Papago Council from the District at the last election of the Papago Tribe. Upon receipt of a petition the Election Board shall determine whether a sufficient number of registered voters from the District

have signed the petition. If the resolution or valid petition is received by the Election Board within 180 days prior to the general election of the Papago Tribe, the referendum ballot shall be submitted to the voters at the general election. If the resolution or petition is received by Board at any other time, it shall conduct a special referendum election in the District within ninety days of receipt of the resolution or valid petition in conformity with the Uniform Election Ordinance on a date designated by the District Council. The referendum ballot shall contain the following question:

"Shall the introduction, sale, possession and consumption of spirituous liquor be made lawful within the exterior boundaries of this District in conformity with the Alcoholic Beverages Licensing and Control Ordinance of the Papago Tribe?"

The registered voters of the District shall vote on said question, those in favor voting "Yes" on their ballots and those opposed "No", and the Election Board shall determine the number of votes cast for and against the referendum measure, and shall issue and post its Certificate of Election Results in conformity with the Uniform Election Ordinance. If a majority of the votes cast was in favor of the referendum measure, the Papago Council shall at its next meeting issue its certificate of election and the introduction, sale, possession and consumption of spirituous liquor in conformity with this ordinance shall thereafter be lawful within the exterior boundaries of the District.

Section 5—Sanction

The introduction, sale, possession and consumption of spirituous liquor shall be lawful within the exterior boundaries of any of the eleven (11) Districts of the Papago Reservation which have, in accordance with the provisions of Section 4 of this Article, sanctioned the introduction, sale, possession and consumption of spirituous liquor within their respective Districts in conformity with this ordinance. The federal Indian liquor laws shall, however, remain applicable to any act or transaction which is not in conformity with this ordinance. Violations of this ordinance by any person may be subject to federal prosecution as well as legal action in the Papago Tribal Courts.

Article II—Definitions

In this ordinance, unless the context otherwise requires:

(A) "Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley, malt, hops, or other ingredients not drinkable, or any combination of them.

(B) "Broken package" means any container of spirituous liquor on which the United States tax seal has been broken or removed, or from which the cap, cork or seal placed thereupon by the manufacturer has been removed.

(C) "Commission" means the liquor licenses and control commission of the Papago Tribe.

(D) "Election days" means the biennial primary election for the nomination of United States, state, county and precinct officers, a special election called pursuant to Section 1,

Article 21 of the Constitution of the State of Arizona, the biennial general election of the State of Arizona, and the biennial primary or general elections and any special elections of the Papago Tribe, and any Secretarial election called pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, as amended.

(E) "License" or "Tribal License" means a license issued pursuant to the provisions of this ordinance.

(F) "Licensee" or "Tribal licensee" means a person who has been issued a license pursuant to the provisions of this ordinance.

(G) "Off-sale retailer" means any person operating an established general merchandise or retail store selling groceries and commodities other than spirituous liquors and engaged in the sale of spirituous liquors only in the original package, to be taken away from the store premises and to be consumed off the premises.

(H) "On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

(I) "Person" includes a partnership, association, company or corporation, as well as a natural person.

(J) "Premises" or "Licensed premises" means the area from which the licensee is authorized to sell, dispense or serve spirituous liquors under the provisions of the license.

(K) "Sanctioning District" means any of the eleven (11) Districts of the Papago Reservation which have sanctioned the introduction, sale, possession and consumption of spirituous liquor within the District in conformity with this ordinance, in accordance with the provisions of Section 4 of Article 1 of this ordinance.

(L) "Sell" includes soliciting or receiving an order for, keeping or exposing for sale, delivering for value, peddling, keeping with intent to sell and trafficking in.

(M) "Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than $\frac{1}{2}$ of 1 percent of alcohol by volume.

(N) "Wines" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than 24 percent of alcohol by volume.

Article III—Unlawful Acts

It is unlawful within the exterior boundaries of a sanctioning District:

(1) For a person to have in his possession or custody or under his control a still or distilling apparatus, and any mash, wort or wash, for distillation or for the production of spirits or alcohol, and any still, distilling

apparatus, mash, wort, wash, or finished product produced therefrom found on or within the exterior boundaries of the Papago Reservation shall be forfeited to the Papago Tribe, and shall forthwith be destroyed by the Papago Police, the Indian Police, or peace officer of the United States Indian Service.

(2) For a person to buy for resale, sell or deal in spirituous liquors on or within the exterior boundaries of a sanctioning District, without first having procured a valid license issued by the commission or otherwise first complying with the provisions of this ordinance.

(3) For any person, except the commission, to import spirituous liquors into the Papago Reservation from a foreign country unless:

(a) such person is over nineteen years of age.

(b) such person has been physically within such foreign country immediately prior to such importation and such importation coincides with his return from such foreign country.

(c) the amount of spirituous liquor imported does not exceed the amount permitted under federal law to be imported duty free in any period of thirty-one days.

(4) For a person to take or solicit orders for spirituous liquors, except from or through the Papago liquor licenses and control commission, or in accordance with any regulation of such commission.

(5) For a licensee, or an officer or employee of a Papago Liquor Store to employ a person under the age of nineteen (19) years to manufacture, sell or dispose of spirituous liquors. The provisions of this paragraph shall not apply to persons under the age of nineteen employed to package and carry merchandise, including spirituous liquor, in unbroken packages for the convenience of the customer or the employer.

(6) For a licensee, or an officer or employee of a Papago Liquor Store, or any other person to sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of or given to any person under the age of 19 years, of a person under the age of 19 years to buy, receive, have in his possession or consume spirituous liquors. The foregoing provisions shall not apply to persons under the age of nineteen employed to package and carry merchandise, including spirituous liquor, in unbroken packages for the convenience of the customer or the employer. It shall be the responsibility of the licensee or the manager of a Papago Liquor Store, or their employees, and of anyone acting in their behalf to ascertain that the purchaser, acquirer or consumer of any intoxicating beverage, either by the drink or by the bottle or other container, is 19 years of age or older.

(7) For a person under 19 years of age to offer or present to a licensee or their employees, or to officers of employees of a Papago Liquor Store, or to other persons a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or to otherwise misrepresent his age for the purpose of inducing such licensee, manager or employee or other person to sell, give, serve or furnish spirituous liquors contrary to law.

(8) To influence or attempt to influence the sale, giving or serving of spirituous liquor to a person under 19 years of age by misrepresenting the age of such person or to order, request, receive or procure spirituous liquor from any licensee, employee or other person for the purpose of selling, giving or serving it to a person under 19 years of age.

(9) For an on-sale licensee to employ a person under the age of 19 years in any capacity connected with the handling of spirituous liquors.

(10) For a licensee or an employee of a Papago Liquor Store, when engaged in waiting on or serving customers, to consume spirituous liquors or remain on or about the premises while in an intoxicated or disorderly condition.

(11) For any employee of a licensee or of a Papago Liquor Store, during his working hours or in connection with his employment, to give or purchase for any other person, accept a gift of, purchase for himself or consume spirituous liquor.

(12) For licensee or an employee thereof, or for a Papago Liquor Store (except as in this ordinance otherwise provided), or for any other person to sell or offer to sell, directly or indirectly, or to sanction the sale on credit of spirituous liquor, or to give, lend or advance money or anything of value to any person for the purpose of purchasing or bartering for, spirituous liquor, except that sales or spirituous liquor consumed on the licensed premises may be included on bills rendered to registered guests in hotels and motels, and spirituous liquor sales for on-premises consumption only in connection with a served meal may be made a part of charges to patrons of bona fide restaurants whose credit is based upon standard bona fide credit cards.

(13) For a licensee or a Papago Liquor Store, or an employee thereof, or for any person to serve, sell, or furnish spirituous liquor to an intoxicated or disorderly person, or for a licensee or a Papago Liquor Store, or employee thereof, to allow or permit an intoxicated or disorderly person to come into or remain on or about his premises.

(14) For a licensee or a Papago Liquor Store, or an employee thereof, to sell, dispose of, deliver, or give spirituous liquor to a person, or allow a person to consume spirituous liquors on his premises during hours polling places are open for voting on election days, or between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m. on weekdays and 1:00 o'clock a.m. and 12:00 o'clock noon Sundays.

(15) For an off-sale retailer or a Papago Liquor Store retailer to sell spirituous liquors except in the original container or to permit spirituous liquor to be consumed on the premises.

(16) For an on-sale retail licensee to employ a person for the purpose of soliciting the purchase of spirituous liquors by patrons of the establishment for themselves, on a percentage basis or otherwise. No licensee shall serve employees or allow a patron of the establishment to give spirituous liquor to, or to purchase liquor for or drink liquor with, any employee.

(17) For a person to consume spirituous liquor from a broken package in a public

place, thoroughfare or gathering. This paragraph shall not apply to sale of spirituous liquors on the premises of and by an on-sale retail licensee. This paragraph shall also not apply to a person consuming spirituous liquor from a broken package in a public recreation area, at a community feast house, park or meeting place pursuant to the customs of the community, or on private property with permission of the owner or lessor or on the walkways surrounding such private property.

(18) For a person to have in his possession or to transport spirituous liquor which is manufactured in a distillery, winery, brewery, or rectifying plant contrary to the laws of the United States.

Article IV—Liquor Licenses and Control Commission

Section 1—Appointment of members; terms; payment

There is created the liquor licenses and control commission which shall consist of three members appointed by the Papago Council. Of the members first appointed, one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year from the date of his appointment and until his successor shall have been appointed and qualified. Thereafter, all appointments shall be for terms of three years or until successors are appointed or qualified. No member of the commission, or any officer or employee of the commission shall be financially interested, directly or indirectly, in any business licensed to deal in spirituous liquor. The Papago Council may remove any member of the commission for cause. The members of the commission shall appoint from among their membership a chairman and vice chairman, who shall serve at the pleasure of the commission. The majority of the commission shall constitute a quorum, but no decision of the commission on any matter shall be valid unless made upon the concurrence of the majority of the members. Members of the commission shall be entitled to receive, upon presentation of proper vouchers, such per diem and mileage payments as the Papago Council shall from time to time establish for its standing committees, boards and commissions.

Section 2—General powers of commission

The commission shall have the following powers and duties:

(A) To buy, import or have in its possession for sale, and sell spirituous liquor in the manner set forth in this ordinance.

(B) To have control and supervision of the purchase, importation, transportation and sale of spirituous liquor in accordance with the provisions of this ordinance, and to fix the wholesale and retail prices at which spirituous liquors are to be sold at Papago Liquor Stores: Provided, that in fixing the sales prices, the commission shall not give any preference of make any discriminations as to classes, brands or otherwise, except where special sales are deemed necessary to remove unsaleable merchandise, or except where the addition of a service or handling charge to the fixed sales price of any merchandise in the same comparable price

bracket, regardless of class, brand or otherwise is, in the opinion of the commission, required for the efficient operation of the Papago store system.

(C) To determine the villages in sanctioning Districts within which Papago Liquor Stores shall be established and locations of the stores within such villages.

(D) To grant, issue, suspend and revoke all licenses authorized to be issued under this ordinance and the regulations of the commission.

(E) By regulation to require on-sale retailers to engage and provide security guards where deemed necessary by the commission to enforce the provisions of this ordinance.

(F) To acquire, lease, furnish and equip such buildings, rooms or other accommodations as shall be required for the operation of this ordinance.

(G) To appoint, fix the compensation and define the powers and duties of such managers, officers, clerks and other employees as shall be required for the operation of this ordinance.

(H) To determine the nature, form and capacity of all packages and original containers to be used for containing spirituous liquor.

(I) Without in any way limiting or being limited by the foregoing, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this ordinance and the regulations made thereunder.

(J) Issue administrative rulings in response to a written inquiry from licensees or applicants regarding the application of this ordinance. The inquiries shall state with specificity the facts involved in the question. The rulings shall be determinative of subsequent treatment of the matter and may be relied upon by the licensee or applicant until a regulation related to the subject of the inquiry is adopted. Any ruling remains in effect until a regulation related to the subject of the inquiry is adopted.

(K) From time to time, to make such regulations not inconsistent with this ordinance as it may deem necessary for the efficient administration of this ordinance. The commission shall cause such regulations to be published and disseminated throughout the Papago Reservation in such manner as it shall deem necessary and advisable. Such regulations adopted by the commission shall have the same force as if they formed a part of this ordinance.

(L) To investigate, whenever any person complains, or when the commission is aware that there are reasonable grounds to believe that spirituous liquor is being sold on premises not licensed under the provisions of this ordinance. If the investigation produces evidence of the unlawful sale of spirituous liquor or of any other violation of the provisions of this ordinance, the commission shall cause the prosecution of the person or persons believed to have been liable for the unlawful acts.

Section 3—Specific subjects on which commission may adopt regulations

Subject to the provisions of this ordinance and without limiting the general power conferred by the preceding section, the commission may make regulations regarding:

(A) The equipment and management of Papago Liquor Stores and warehouses in which spirituous liquor is kept or sold, and the books and records to be kept therein.

(B) The duties and conduct of the officers and employees of the commission.

(C) The purchase as provided in this ordinance of spirituous liquor, and its supply to Papago Liquor Stores.

(D) The classes, varieties and brands of spirituous liquor to be kept and sold in Papago Liquor Stores.

(E) The issuing and distribution of price lists for the various classes, varieties or brands of spirituous liquor kept for sale by the commission under this ordinance.

(F) Forms to be used for the purposes of this ordinance.

(G) The issuance of licenses and the conduct, management, sanitation and equipment of licensed premises.

(H) The place and manner of depositing the receipts of Papago Liquor Stores and the transmission of balances to the Treasurer of the Papago Tribe.

Article V—Papago Liquor Stores

Section 1—Commission to Establish Papago Liquor Stores

The commission shall establish, equip, operate and maintain, at such places throughout the Papago Reservation as it shall deem essential and advisable, stores to be known as "Papago Liquor Stores" and warehouses and other merchandising facilities for the sale of spirituous liquors in accordance with the provisions of regulations made under this ordinance. A Papago warehouse and wholesale store shall be located on the Papago Reservation in a place designated by the commission. When the commission shall have determined upon the location of a liquor store in any village within a sanctioning District, it shall give notice of such location by posting such notice for a period of at least thirty days following its determination in a conspicuous place on the outside of the premises in which the proposed store is to operate or, in the event that a new structure is to be built, in a similarly visible location. The notice shall be in such form, of such size and containing such provisions as the commission may require by its regulations. If, prior to the last day of such posted notice, ten or more persons residing within a one-half mile radius from such location, or the Village Council of the village within which such store is to be located, shall file a protest with the District Council of the District averring that the location is objectionable because of its proximity to a church, a school, or to a private residence, the District Council shall forthwith hold a hearing affording an opportunity to the protestants and to the commission to present evidence. The District Council shall render its decision immediately upon the conclusion of the testimony and from the decision there shall be no appeal. If the District Council

shall determine that the proposed location is undesirable for the reasons set forth in the protest, the commission shall abandon it and find another location.

The commission may acquire or lease any rooms, buildings, warehouses or other merchandising facilities, and may purchase equipment and appointments necessary to carry out the provisions of this ordinance.

Section 2—Selection of Personnel

Officers and employees of the commission, except as herein provided, shall be appointed and employed in accordance with the employment practices and policies of the Papago Tribe.

Section 3—Appointment of Superintendent and Managers of Papago Liquor Stores

The commission shall appoint a person who shall serve at the discretion of the commission, shall be the chief administrative officer of the commission, and shall be known as the "superintendent" of liquor licenses and control. He shall be responsible for carrying out the administrative provisions of this ordinance and of the regulations adopted by the commission under this ordinance. Every Papago Liquor Store and/or commission warehouse or merchandising facility shall be under the supervision of a person appointed by the commission who shall be known as the "manager" and who shall, under direction of the commission, be responsible for carrying out the provisions of this ordinance and the regulations adopted by the commission under this ordinance as far as they relate to the conduct of such store, warehouse or facility. The superintendent may act as manager of such store, warehouse and/or facility.

Section 4—Sales by Papago Liquor Stores

(A) Every Papago Liquor Store shall keep in stock for sale such classes, varieties and brands of spirituous liquors as the commission shall prescribe.

(B) Every Papago Liquor Store shall sell spirituous liquors to Tribal licensees, licensed under this ordinance, at standard wholesale discount prices established by the commission. All other sales by such stores shall be at retail prices. No liquor shall be sold except for cash, except that the commission may by regulation authorize the acceptance of checks for liquor sold at wholesale. The commission shall have the power to designate certain stores for wholesale or retail exclusively.

Section 5—Working Capital

The net profits of the commission shall be general revenue of the Papago Tribe. The commission is authorized to keep and have on hand a stock of spirituous liquor for sale, the value of which, computed on less carload price quotations f.o.b. warehouse filed by spirituous liquor vendors, shall not at any time exceed the amount of working capital authorized. The maximum permanent working capital of the commission is established at \$200,000.00 and permanent advances up to this amount may be authorized by the Chairman of the Papago Council upon recommendation of the commission with the approval of the Treasurer of the Papago Council. At any time

the total working capital exceeds the amount necessary to provide a turnover of stock approximately eight times annually, the Chairman, upon recommendation of the Treasurer of the Papago Council, may authorize the return of such excess to the general fund of the Papago Tribe.

Section 6—Audits

It shall be the duty of the Treasurer of the Papago Council to make or cause to be made such audits as may be necessary in connection with the administration of the financial affairs of the commission and the Papago Liquor Stores operated and maintained by the commission.

Section 7—Tribal Taxes

Subject to the provision relating to wholesale sales contained in subsection (B) of Section 4 above, the commission shall sell spirituous liquors at a price to be determined by the commission, which price shall include any luxury or transaction privilege or other taxes, levied and imposed by the Papago Tribe. All net revenue derived from such taxes shall be deposited to the credit of the general fund of the Papago Tribe.

Article VI—Licenses and Regulations

Section 1—Authority to Issue Liquor Licenses

Subject to the provisions of this ordinance and regulations made thereunder, the commission shall have the authority to issue on-sale and off-sale retailers' licenses for any premises kept or operated by any person licensed to operate a general merchandise or retail store, a restaurant, bar, motel or hotel within a sanctioning District on the Papago Reservation.

Section 2—Application Procedure

Every applicant for a spirituous liquor license, or for the transfer of an existing license to himself or to another premises not then licensed, shall make application therefor on a form prescribed or furnished by the commission in duplicate, and shall file one copy with the commission and the other with the District Council of the sanctioning District where the applicant desires to do business. The applicant shall also post notice of his application (in such form, of such size and containing such provisions as the commission may require by its regulations) in a conspicuous place on the outside of the premises in which he proposes to do business, or, in the event that a new structure is to be built, in a similar visible location, with a statement informing a person who is a resident of the age of nineteen years or more residing, owning or leasing property within a one-half mile radius from such location and who is opposed to such application, that they may file a written protest with the District Council within thirty (30) days after the date of posting. Proof of posting such notice shall be filed with the District Council and with the commission. The District Council shall then hold a hearing affording an opportunity to any protestants and the applicant to present evidence. The District Council shall render its decision and from this decision there shall be no appeal. If the District Council should recommend approval of the application, it

shall file a copy of the Resolution certifying such approval with the commission and the commission shall set the application for hearing by the commission. The commission shall consider the application and any other facts relating to the qualifications of the applicant and shall approve or disapprove each application within one hundred and twenty (120) days after filing of the application.

Section 3—Qualifications of Spirituous Liquor Licenses

(A) Every licensee shall, if required, have a valid Federal license to trade with Indians pursuant to Part 251, Title 25, Code of Federal Regulations.

(B) No corporation shall receive or hold a license except through a designated agent who shall be a natural person. Upon the death, resignation or discharge of such agent, the license shall be assigned forthwith to another qualified agent selected by the corporation.

(C) Every licensee, whether Indian or non-Indian, shall be subject to the civil jurisdiction of the Papago Courts, and every non-Indian applicant for a license shall file his written consent to such jurisdiction with his application.

(D) No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States or of the Papago Tribe shall be issued a license, nor shall such person have any interest, directly or indirectly, in such license.

(E) No license shall be issued to any person who, within one (1) year prior to application therefor, has violated any provision of a spirituous liquor license theretofore issued or has had a license revoked.

Section 4—Applications for Licenses

(A) Every applicant for a spirituous liquor license, or for the transfer of an existing license to himself or to another premises not then licensed shall file written application with the commission in such form and containing such information as the commission shall from time to time prescribe, which shall be accompanied by an application fee of fifty dollars (\$50) and the prescribed license or transfer fee. Every such application shall contain a description of that part of the general merchandise or retail store, the restaurant, bar, motel or hotel for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the store, restaurant, bar, motel or hotel where it is proposed to keep and sell liquor as may be required by the commission. No licensee shall alter or change the physical arrangement of the licensed premises so as to encompass greater space or the use of different or additional entrances, openings or accommodations than the space, entrance or entrances, openings or accommodations offered to the public at the time of issuance of licensee's license or a prior written approval of the licensed premises, without first having filed with the commission floor plans and diagrams completely disclosing the proposed physical alterations of the licensed premises and shall have secured the written approval

thereof by the commission. This requirement shall apply to any person to person transfer of the licensed premises.

(B) Each application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of corporation, by its designated agent who shall hold the license for the corporation.

(C) If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and of a corporation, the names and addresses of the principal officers and of the persons owning ten percent (10%) or more of the corporation. Each application shall state whether the applicant or any of the foregoing persons were in the past five years convicted of a felony.

(D) If any false statement is intentionally made in any part of the application, the applicant shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided in this ordinance.

Section 5—Licenses; Contents; Transfers

(A) The licenses shall be to sell or deal in spirituous liquors only at the place and in the manner provided therein, and a separate license shall be issued for each specific business, each license specifying:

1. The particular spirituous liquors which the license is authorized to sell or deal in.
2. The place of business for which issued.
3. The purpose for which the liquors may be sold.

(B) A spirituous liquor license shall be transferable as to any permitted location within the same sanctioning District, provided such transfer meets the requirements of an original application. A spirituous liquor license may be transferred to a person qualified to be a licensee, provided such transfer is pursuant to either a judicial decree, a bona fide sale of the entire business and stock in trade, or such bona fide transactions as may be provided by regulations of the commission and that such transfer meets the requirements of an original application. Any change in ownership of the business of a licensee, directly or indirectly, as defined by commission regulations, shall be deemed a transfer and shall comply with this section.

(C) All applications for transfer pursuant to subsection (B) of this section shall be filed and determined in accordance with the provisions of section 2 and 4 of this Article.

(D) No spirituous liquor license shall be assigned, transferred or sold, except as provided in this section. No spirituous liquor license shall be leased or subleased.

(E) A license which is not used by the licensee for a period in excess of six (6) months shall expire, except that the commission may grant additional time if, in its judgment, the licensee is in good faith attempting to comply with this section.

Section 6—Issuance of Licenses; Regulatory Provisions; Revocation

(A) The commission shall issue a spirituous liquor license only after satisfactory showing of the capability, qualifications and reliability of the applicant, and that the

public convenience required, and that the best interest of the community will be satisfactorily served by the issuance.

(B) The commission may issue on-sale retailer licenses:

(i) To any hotel or motel within a sanctioning District on the Papago Reservation which has in conjunction therewith a bar or restaurant;

(ii) To any restaurant within a sanctioning District of the Papago Reservation which is regularly open for serving meals to guests for compensation and has suitable kitchen facilities connected therewith for keeping, cooking and preparing foods required for ordinary meals; and

(iii) To any bar within a sanctioning District of the Papago Reservation operated by responsible persons which is regularly open for serving spirituous liquors to guests for compensation and where no food is sold and no other business is carried on except the sale of cigarettes and tobacco products.

The holder of an on-sale retailer license may sell and serve spirituous liquors in individual portions only for consumption on the licensed premises, and he may sell such liquors in original container for consumption both on or off the licensed premises.

The holder of an on-sale retailer license may not sell or deal in spirituous liquors unless he has complied with the regulations of the commission requiring such licensee to provide security guards duly approved by the commission as being of good moral character and commissioned to enforce the provisions of this ordinance on or about the licensed premises.

(C) The commission may issue off-sale retailer licenses to any general merchandise or retail store within a sanctioning District of the Papago Reservation operated by responsible persons which is regularly open for selling groceries and commodities other than spirituous liquors to customers for compensation.

The holder of an off-sale retailer license may sell spirituous liquor only in the original package to be taken away from the licensed premises and to be consumed off of the premises.

(D) In addition to other grounds prescribed in this ordinance upon which a license may be revoked, the commission may revoke a license in any case where in its judgment the licensee ceased to operate a hotel, motel, restaurant, bar or general merchandise or retail store, as prescribed in subsections (B) and (C) of this section.

Section 7—Licensing Premises Near School Building or Church

Unless written approval is first obtained from the governing body of school or church, no spirituous liquor license shall be issued for any building whose exterior walls are within three hundred horizontal feet of a school or church building in which classes or services are regularly conducted.

Section 8—License Fees

(A) A fee shall accompany an application for an original license or transfer of a license, or in case of renewal be paid in advance. Every license shall expire on December 30 of each year. An application fee for an original

license or the transfer of a license shall be fifty (50) dollars, which shall be retained by the commission.

(B) Issuance fees for original licenses shall be:

(1) On-sale retailer's license to sell all spirituous liquors by individual portions and in original containers—Seven hundred fifty dollars (\$750).

(2) On-sale retailer's license to sell wine and beer by individual portions and in the original containers—One hundred dollars (\$100).

(3) On-sale retailer's license to sell beer by individual portions and in original containers—One hundred dollars (\$100).

(4) Off-sale retailer's license to sell all spirituous liquors—Five hundred dollars (\$500).

(5) Off-sale retailer's license to sell wine and beer—One hundred fifty dollars (\$150).

(6) Off-sale retailer's license to sell beer—One hundred dollars (\$100).

(C) If a license is issued on or after July 1 in any year, one-half of the annual license fee shall be charged.

(D) The annual fees for licenses shall be:

(1) On-sale retailer's license to sell all spirituous liquors by individual portions and in original containers—One hundred fifty dollars (\$150).

(2) On-sale retailer's license to sell wine and beer by individual portions and in original containers—Seventy five dollars (\$75).

(3) On-sale retailer's license to sell beer by individual portions and in original containers—Twenty five dollars (\$25).

(4) Off-sale retailer's license to sell all spirituous liquors—Fifty dollars (\$50).

(5) Off-sale retailer's license to sell wine and beer—Fifty dollars (\$50).

(6) Off-sale retailer's license to sell beer—Twenty five dollars (\$25).

(E) Transfer fees from person to person and from place to place for licenses transferred pursuant to subsection (B) of Section 5 shall be one-half of the fees prescribed in subsection (B) above.

Section 9—Revocation or Suspension of license

(A) The commission may suspend or revoke any license issued hereunder for cause and upon a hearing, with notice mailed to the licensee by registered mail at least ten (10) days prior to such hearing. Cause shall mean the failure to pay prescribed license fees and taxes as they become due; the failure of an on-sale retailer licensee to provide a security officer to enforce the provisions of this ordinance on or about the licensed premises as prescribed in subsection (B) of Section 6; the transfer or attempted transfer of the license without the prior written approval of the commission; the violation or non-compliance with any provision of this ordinance or of the regulations enacted thereunder.

(B) Any decision of the commission in any matter shall be final, unless any person aggrieved, or a village or District Council, within thirty (30) days after receiving notice of the decision of the commission, appeals to the Papago Council. The Papago Council may affirm the decision of the commission,

remand the matter for further proceedings before the commission or reverse or modify the decision if it finds that the objection of the person aggrieved is well taken. The decision of the Papago Council on all matters shall be final.

Article VII—Exemptions; Violations; Penalties; Jurisdiction

Section 1—Exemptions

The provisions of this ordinance shall not apply to drug stores or hospitals within sanctioning Districts selling or dispensing spirituous liquors upon prescriptions; to the production, consumption, sale, furnishing or possession of spirituous liquors within sanctioning Districts for scientific, sacramental, religious, medicinal or mechanical purposes; or to the production, consumption, sale, furnishing or possession within sanction Districts of wine produced according to Tribal custom from the fermentation of the fruit of the saguaro, *cereus giganteus*.

Section 2—Violations

(A) Any person who violates any provision of Article III of this ordinance shall be guilty of a criminal offense punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment in the Tribal jail for not more than six (6) months, or both.

(B) Any person who violates any other provision of this ordinance, or any lawful regulation or ruling of the commission made pursuant thereto, shall be liable for a civil penalty of not more than five hundred dollars (\$500), plus court costs, per violation.

(C) Any licensee violating any provision of this ordinance may, in addition to the penalties prescribed in subsection (A) and (B) above and to the penalties prescribed by the federal Indian liquor laws, 18 U.S.C. 1154 and 1156, have his licenses suspended by the commission.

Section 3—Jurisdiction

The Papago Tribal Courts shall have jurisdiction over all violations of this ordinance and may, in addition to the penalties prescribed in Section 2 above, grant such other relief as is necessary and proper for the enforcement of this ordinance, including but not limited to injunctive relief against acts in violation of this ordinance. Nothing, however, in this ordinance shall be construed to authorize or require the criminal trial and punishment of non-Indians except to the extent allowed by any applicable present or future Act of Congress or any applicable federal court decision.

Article VIII—Contraband; Seizure; Forfeiture

Section 1—Seizure

All spirituous liquors within the exterior boundaries of the Papago Reservation held, owned, or possessed by any person or licensee operating in violation of the provisions of this ordinance, or of any regulations made thereunder, or of any other law of the Papago Tribe relating to the manufacture, introduction, sale, possession and consumption of spirituous liquors are hereby declared to be contraband and subject to forfeiture to the Tribe. Upon presentation of a sworn affidavit the Judge of

the Papago Tribal Courts shall issue an order directing the Papago Police, Indian Police or other officer of the United States Indian Service to seize contraband liquor within this Reservation and deliver it to the commission. A copy of the court order shall be delivered to the person from whom the property was seized or shall be posted at the place where the property was seized.

Section 2—Hearing

Within three weeks following the seizure of the contraband a hearing shall be held in the Papago Tribal Courts, at which time the person from whom the property was seized shall be given an opportunity to present evidence in defense of his or her activities.

Section 3—Notice of Hearing

Notice of the hearing of at least ten (10) days shall be given to the person from whom the property was seized if known. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at such other public places on the Reservation as may be directed by the Judge. The notice shall describe the property seized, and the time, place and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized.

Section 4—Judgment of Forfeiture—Disposition of Proceeds of Property

If upon the hearing the evidence warrants, or if no person appears as claimant, the Papago Tribal Courts shall thereupon enter a judgment of forfeiture, and order such articles sold or destroyed forthwith, and the proceeds of any sale shall become general revenue of the Papago Tribe.

Article IX—Nuisance; Abatement

Section 1—Declaration of Nuisance

Any room, house, building, vehicle, structure, or other place where spirituous liquor is sold, manufactured, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or any regulations made thereunder, or of any other law of the Papago Tribe relating to the manufacture, introduction, sale, possession and consumption of spirituous liquor, and all property kept in and used in maintaining such place, are hereby declared to be a public nuisance.

Section 2—Abatement of Nuisance

The commission shall institute and maintain an action in the Papago Tribal Courts in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this ordinance. The plaintiff shall not be required to give bond in this action. Restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, vehicle, structure, or place closed for a period of up to one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the sum of not less than One Thousand Dollars (\$1,000.00).

payable to the Tribe and conditioned that spirituous liquor will not be thereafter manufactured, kept, sold, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or any other applicable Tribal law. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any other penalties provided in this ordinance.

Article X—Conflicting Ordinances; Amendments

Section 1—Conflicting Ordinances and Resolutions

All resolutions and ordinances of the Papago Tribe, including but not restricted to Section 18, Chapter 5 of the Law and Order Code of the Papago Tribe, heretofore enacted prohibiting the sale, introduction, possession or consumption of spirituous liquors on or within the exterior boundaries of the Papago Reservation shall have no further legal force or effect within the exterior boundaries of sanctioning Districts, but shall have full force and effect on or within the exterior boundaries of the Districts which have not sanctioned the introduction, sale, possession and consumption of spirituous liquor in accordance with the provisions of Section 4 of Article I of this ordinance.

Section 2—Amendments

This ordinance may hereby be amended by resolution of the Papago Council approved by the Secretary of the Interior or his authorized representative.

Certification

The foregoing Ordinance was duly enacted by the Papago Council on the 6th day of April, 1982, at a meeting at which a quorum was present with a vote of 1,039 for; 109.0 against; 0 not voting; and 0 absent, pursuant to the authority vested in the Papago Council by Section 2(h), (m) and Section 3(b), (c) and (e) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona as amended, ratified by the Papago Tribe on December 12, 1936, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 536). This Ordinance shall be effective as of the date the Secretary of the Interior or his designee approves this Ordinance and publishes it in the Federal Register.

The Papago Council:

Max H. Norris,
Chairman.

Attest:
Rose Johnson,
Secretary.

Ordinance Approved this 14th day of April, 1982.

Curtis C. Nordwall,
Superintendent, Papago Agency.

[FR Doc. 82-29437 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14840-A, F-14840-B]

Alaska Native Claims Selection

Correction

In FR Doc. 82-26993, beginning on page 43194, on Thursday, September 30, 1982 make the following correction:

1. On page 43194, in the second column, in the first line of the document "Tihtet", Inc." should read "Tihtet Aii, Inc."

2. In the second column, in the fifth line "F-14880-B" should read "F-14840-B".

3. Also on page 43194, in the second column, in sixteenth line from the bottom "N." should read "T. 17 N.,"

BILLING CODE 1505-01-M

[S 2745]

California; Termination of Proposed Withdrawal and Reservation of Land

October 16, 1982.

Notice of Bureau of Reclamation, U.S. Department of the Interior, application S-2745 for withdrawal and reservation of the following described national forest land from the mining laws (30 U.S.C. Ch. 2), for construction of the Allen Camp Unit, Pit River Division, Central Valley Project was published in the Federal Register on September 5, 1969, pages 14083 and 14084, F.R. Doc. 69-10587 and republished on August 3, 1977, page 39279, FR Doc. 77-22293. The applicant has withdrawn its application in its entirety.

Mount Diablo Meridian

T. 40 N., R. 7 E., MD Mer.,
Sec. 1, lots 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 2, lots 1, 2 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 3, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.

T. 41 N., R. 7 E., MD Mer.,
Sec. 24, SE $\frac{1}{4}$;

Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 26, lots 3 and 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 27, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 34, W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 35, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

T. 41 N., R. 8 E., MD Mer.,
Sec. 1, lots 1, 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 2, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 10, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 11, E $\frac{1}{2}$, SW $\frac{1}{4}$;

Sec. 12, N $\frac{1}{2}$;

Sec. 14, NW $\frac{1}{4}$;

Sec. 15;

Sec. 16, SE $\frac{1}{4}$;

Sec. 19, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 21, NE $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 22, NE $\frac{1}{2}$, NE $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 30, lots 1, 2, and 4, NE $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 31, NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 1 and 2;

Sec. 32, N $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 33;

Sec. 34, W $\frac{1}{2}$;

Sec. 35, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 41 N., R. 9 E., MD Mer.,

Sec. 3, SE $\frac{1}{4}$;

Sec. 6, lot 6, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 2, 3, and 4;

Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 9, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 17, NE $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 1 and 2.

T. 42 N., R. 8 E., MD Mer.,

Sec. 35, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 36, SW $\frac{1}{4}$.

The area described aggregates 11,453.64 acres in Modoc County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1, these lands shall immediately be relieved to the segregative effect of the above mentioned application.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29438 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Realty Action; Modified Competitive Sale—I-18802, Public Land in Caribou County, Idaho

Summary: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value of \$8,400.

Boise Meridian, Idaho

T. 6 S., R. 42 E., Section 11: SW $\frac{1}{4}$ SE $\frac{1}{4}$ —40 acres.

The land will be sold at public auction by modified competitive bidding. Monsanto Company, Soda Springs, Idaho 83276 will be the designated bidder to have a preference right to purchase the land by meeting the highest bid. Such preference right is being offered because they are the adjoining landowners and have a pending phosphate use permit application (I-3800) on the subject tract.

The land has not been used for and is not required for any federal purpose. The location and physical characteristics of the tract make it difficult and uneconomical to manage as public land. Disposal would not have any significant effect on resource values and would best serve the public interest.

A patent for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record.

The sale will be held at the Bureau of Land Management Office, 490 East 2nd South, Soda Springs, Idaho 83276, at 1:00 p.m. on Wednesday, January 12, 1983.

Bidding Information and Instructions:

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of \$8,400. Bids must be for all the land in the specified tract.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received by the Bureau of Land Management, Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276, prior to 1 p.m. on January 12, 1983. Bids sent in by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale I-18802, Sale to be January 12, 1983." If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid

is announced. The highest sealed bid will be the base for oral bids. All oral bids must be made in increments of not less than \$50.00. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

Modified Bidding: For a period of 30 days following the date of the sale, Monsanto Company will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them, and the other bid will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a waiver of such bidding provision.

Final Details: The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Wednesday at the same hour and place and continued on each succeeding Wednesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

Further Information/Inquiries: Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Soda Springs Resource Area Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Idaho Falls District Manager, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of Interior.

Dated: October 15, 1982.

O'dell A. Frandsen,
District Manager.

[FR Doc. 82-29439 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

[W-4471-A]

Wyoming; Proposed Continuation of Public Water Reserves

Corrections

In FR Doc. 82-26211 beginning on page 42034 in the issue of Thursday, September 23, 1982, make the following changes:

1. On page 42034, first column, under T. 49 N., R. 103 W., the first line should read: "Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$."

2. On page 42036, first column, under T. 44 N., R. 92 W., the next line should read: "Sec. 17, NE $\frac{1}{4}$ SW $\frac{1}{4}$."; under T. 57 N., R. 93 W., the first line should read: "Sec. 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;" under T. 42 N., R. 95 W., the second line should read: "Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$."; under T. 43 N., R. 95 W., the first line should read: "Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$."

3. On page 42036, second column, under T. 43 N., R. 100 W., the fourth line should read: "Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$."

BILLING CODE 1505-01-M

Meeting of the California Desert District Grazing Advisory Board.

Notice is hereby given in accordance with Pub. L. 94-579, Title IV, Section 403, that a public meeting of the California Desert District Grazing Advisory Board will be held Wednesday, November 17, 1982 from 10 a.m. to 4:30 p.m. at the B. P. O. Elks Lodge No. 1799, 244 West Hobsonway, Blythe, California 92225.

The agenda for the meeting will include:

- Otay Grazing Environmental Impact Statement
- Range Improvement Project Listing for fiscal year 1983
- Fiscal year 1983 Range Management Budget
- Continuing Resolution Constraints
- Fiscal year 1982 Desert Plan Amendments Recommendations
- Land Exchange Proposal for Escondido Special Project Area

The meeting is open to the public, with time allotted for public comment after each subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District and will be available for public inspection during regular business hours within 30 days following the meeting.

For further information and meeting confirmation, contact the California Desert District, 1965 Spruce Street, Riverside, California 92507 (714) 351-6398.

Dated: October 18, 1982.

Mark E. Lawrence,

Acting District Manager.

[FR Doc. 82-24525 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Regional Director, Region 2, U.S. Fish and Wildlife Service, Albuquerque, NM (PRT 2-1770).

The applicant requests a permit to import dead salvaged endangered and threatened sea turtles or parts thereof for scientific research. No turtle will be purposely killed for research activities.

Applicant: Dr. Roger Gambs, Department of Biological Sciences, California Polytechnic State University, San Luis Obispo, CA (PRT 2-9657).

The applicant requests a permit to take Morro Bay Kangaroo rats (*Dipodomys heermanni morroensis*) for scientific research. Take will include trapping, weighing, measuring and tagging.

Applicant: Beth Ann Sorensen, Kalispell, MT (PRT 2-9694).

The applicant requests a permit to purchase in interstate commerce 2 pairs of nene geese (*Branta sandvicensis*) for enhancement of propagation.

Applicant: Dr. John Wright, Natural History Museum of Los Angeles County, Los Angeles, CA (PRT 2-9734).

The applicant requests a permit to import two Nile crocodiles (*Crocodylus niloticus*) from a Zambian crocodile farm for scientific research on nuclear and mitochondrial DNA.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: October 21, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-29549 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3978, Block 75, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 18, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29441 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Date: October 22, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

- (1) M.L.X. Company
- (2) 150 Clovis Avenue, #102, Clovis, CA 93612
- (3) 150 Clovis Avenue, Suite 102, Clovis, CA 93612
- (4) Winston Tanner, 159 Clovis Ave., #102, Clovis, CA 93612
- (1) Missouri Farmers Association, Inc.
- (2) 201 S. Seventh St., Columbia, Missouri 65201
- (3) 201 S. Seventh St., Columbia, MO 65201
- (4) Dale E. Bolander, 201 S. Seventh St., Columbia, MO 65201

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29477 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.
Agatha L. Mergenovich,
Secretary.

MC-FC-79859. By decision of October 13, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to T. J. STIDHAM, INC., of Plant City, FL, of Certificate No. 125335 (Sub-No. 114), issued to GOODWAY TRANSPORT, INC., of York, PA, which authorizes the transportation of (1) *food and related products*, and (2) *citrus byproducts* between points in FL, on the

one hand, and, on the other, points in the U.S. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103.

Note: Transferee is not a carrier.

No. MC-FC-80076. By decision of October 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to FRANKLIN THOMAS WILLIAMS, doing business as FRANKLIN THOMAS WILLIAMS TRUCKING, of Red Oak, IA, of Certificate No. MC-123025 (Sub-No. 1) issued January 2, 1981, to TERRY SKALBERG, doing business as TERRY SKALBERG TRUCKING, of Red Oak, IA, authorizing the transportation of sand, gravel, dirt, rocks, and crushed limestone, in dump vehicles, (a) between points in NE and IA (except points on and west of Int. Hwy 29, located in Pottawattamie, Mills, and Freemont Counties, IA) and (b) between points in IA (except Muscatine), Mo (except Sequiota), and KS (except Bonner Springs). Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506.

No. MC-FC-80089. By decision of October 6, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to VAN DE HOGEN CARTAGE INC., of Dearborn, MI of Permit No. MC-143857 (Sub-No. 3)X issued December 4, 1981 to VAN DE HOGEN CARTAGE LIMITED, of Windsor, Ontario, CN, authorizing the transportation of *building material, clay, concrete glass or stone products, ores and minerals, and lumber, and wood products*, between points in the United States, under continuing contracts with named shippers. Representative: William J. Hersch P.C., 64 Niagara St., Buffalo, NY 14202.

Note.—This decision has been made in accordance with the statutory provisions of the Bus Regulatory Reform Act of 1982 with great weight being given to the mandates set forth in the National Transportation Policy.

No. MC-FC-80092. By decision of October 6, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to BALLENTINE TRANSPORT, INC. of Scottsbluff, NE, of Certificate No. MC-145743 Sub-18 issued to T.F.S., INC. of Grand Island, NE, authorizing: food and related products, between points in the U.S., on the one hand, and, on the other, points in NE. Representative: Richard S. Mandelson, 1660 Lincoln St., Suite 1600, Denver, CO 80264. TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80094. By decision of October 15, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to UNITED TRUCKING INC., of Gillette, WY, of Certificate No. MC-148929 issued December 1, 1980, to GAY'S HOTSHOT SERVICE INC., of Casper, WY, authorizing: *machinery equipment, materials and supplies* used in, or in connection with, discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or truck pipelines, between points in that part of NE on and west of U.S. Hwy 83 extending through McCook, North Platte, and Valentine, NE, those in that part of CO on and east of U.S. Hwy 87 extending through Trinidad, Pueblo, Colorado Springs, Denver, and Wellington, CO, and Casper, WY, and points in that part of Wyoming in and east of Campbell, Converse, and Albany Counties, WY, on the one hand, and, on the other, points in that part of ND on and west of North Dakota Hwy 30 extending through Rolla, York, Medina and Lehr, ND, and those in SD west of the Missouri River and on and north of U.S. Hwy 14 extending through Midland, Rapid City, Sturgis and Spearfish, SD. Representative: Leon L. Brady, S-160 Savageton Route, Gillette, WY 82716, phone 307-686-6724.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80098. By decision of October 13, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to JENSEN TRUCKING COMPANY, INC., of Gothenburg, NE of Certificate No. MC-140280 issued May 25, 1978 to INTERSTATE EXPRESS, INC., of Streator, IL authorizing the transportation of (1) *glass bottles*, between points in LaSalle County, IL, on the one hand, and, on the other, Clinton, Davenport, Muscatine, Burlington, Fort Madison, and Keokuk, IA, and points in that part of IN on and north of U.S. Hwy 24 and on and west of U.S. Hwy 31; (2) *roofing and building materials*, between Marseilles, IL on the one hand, and, on the other, points in that part of IN north of U.S. Hwy 63, including points on the indicated portions of the highways

specified; (3) *scrap rags and paper*, from Indianapolis, IN to Marseilles, IL; (4) *glass containers*, from Seneca, Streator, and Ottawa, IL to points in IA, and the Lower Peninsular of MI; (5) *fiberboard and paperboard boxes*, from Streator, IL to points in IA, and the Lower Peninsular of MI; (6) *empty containers and pallets*, from points in IA, and the Lower Peninsular of MI, to Streator, Seneca, and Ottawa, IL, subject to a no tacking or joining restriction; (7) *glass containers, caps, covers, tops, rings, and stoppers for glass containers, and fiberboard boxes*, from Streator, IL to points in IN on and south of U.S. Hwy 40 through Terre Haute, IN and Richmond, IN. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509.

Note.—Transferee holds authority. No TA filed.

No. MC-FC-80104. By decision of October 13, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to DEARBORN'S MOVING AND STORAGE, INC., of East Kingston, NH, Certificate No. MC-133098 issued April 7, 1970 to DEARBORN'S MOVING & STORAGE COMPANY, INCORPORATED, of Exeter, NH authorizing transportation of household goods between points in Rockingham and Strafford Counties, NH, on the one hand, and, on the other, points in ME, VT, MA, RI, CT, NY and NJ. Representative: Robert L. Cope, 1703 M Street NW., Suite 501, Washington, D.C. 20036.

Note.—Transferee holds no authority. No TA filed.

No. MC-FC-80105. By decision of October 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to Jim Senske d/b/a Senske & Son Transfer, of Crookston, MN, of Certificate No. MC-136293 (Sub-No. 2), and Permit No. MC-138931 (Sub-No. 2) and (Sub-No. 4), issued to Louie Senske and Jim Senske, d/b/a Senske & Son Transfer, of Crookston, MN, authorizing the following transportation:

No. MC-136293 (Sub-No. 2), to operate as a *common carrier*, of malt beverages and malt beverage containers and cartons, from St. Louis, MO, to Crookston, MN, and spoiled malt beverages from Crookston, MN, to St. Louis, MO.

No. MC-138931 (Sub-No. 2), to transport self-propelled loaders, and equipment and materials, from the plant site of Hydra-Mac, Inc., at Thief River Falls, MN, to points in the United States, under contract with Hydra-Mac, Inc.

No. MC-138931 [Sub-No. 4], to transport earth moving scrapers and parts from the facilities of Toreq, Inc., at Thief River Falls, MN, to points in the United States, under contract with Toreq, Inc. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402.

By decision of October 15, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TRUMPET TRANSPORT CO., of Omaha, NE, of Certificate No. MC-140635 (Sub-Nos. 30, 31, and paragraph (1) of Sub 32), issued to ADAMS LINES, INC., Of Omaha, NE, which authorize the transportation of *food and related products*, between points in IA, NE, and MN, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, NC, SC, GA, FL, AL, TN, KY, MO, KS, MD, VA, and DC; *general commodities* (with usual exceptions), between facilities of Morton Chemical, Division of Morton-Norwich Products, Inc., at or near Elk Grove Village and Ringwood, IL, on the one hand, and, on the other, points in CA; and *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between Chicago, IL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, NE, and SD. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103.

Note.—Transferee is not a carrier. This application was previously Docket No. MC-F-14967.

No. MC-FC-79965. By decision of October 19, 1982, issued under 49 U.S.C. 10926 and the transfer rules at CFR Part 1132, Review Board Number 3 approved the transfer to OMEGA TRANSPORTATION, INC., of Portland, OR of Certificate No. MC-158244 issued to ALPHA TRANSPORT, INC., of Portland, OR, authorizing: lumber and wool products, between points in OR, WA, MT, ID, and CA, on the one hand, and, on the other, points in CA, CO, IL, IN, IA, KS, MN, MO, NE, ND, OH, SD, TX, VT, WI, and WY. Representative: Nancy J. Phelps, 9570 SW., Barbur Blvd., Suite 307, Portland, OR 97219.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80014. By decision of October 19, 1982, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Roberts Delivery Service, Inc., of Certificate of Registration No. MC-2406 (Sub-No. 3) issued January 13, 1964, to F & H Transportation Co., Inc. evidencing a right to engage in transportation in

interstate commerce corresponding in scope to Irregular Route common carrier Certificate No. 4781 August 26, 1964 issued by the Massachusetts Department of Public Utilities conditioned upon transferee filing with the Commission: (a) A certified copy of the State certificate as reissued to transferee, or, if the State Commission does not reissue the certificate, a certified copy of the state order approving the transfer of the underlying intrastate rights, and (b) A written notice confirming the date of consummation of that intrastate transaction. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103.

Note.—A directly related application to convert the subject Certificate of Registration to a Certificate of Public Convenience and Necessity has been filed in No. MC-140096 (Sub-No. 2) and published in this same Federal Register issue. Upon issuance by the Commission of the interstate operating rights sought in No. MC-140096 (Sub-No. 2), the corresponding Certificate of Registration in No. MC-2406 (Sub-No. 3) shall be cancelled.

No. MC-FC-80062. By decision of October 6, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Robert Stevens, DBA AZUSA TRUCKING, of Azusa, CA of Permit No. MC-148357 Sub 8 and Certificate No. MC-148357 Sub 7X issued to AZUSA TRANSPORTATION, INC., of Azusa, CA, authorizing in Sub-No. 8 (1) *plastic materials* (except commodities in bulk), from points in TX, to points in CA, under continuing contract(s) with Bolcof Plastic, Inc., (2) *insecticides, fasteners, tape, ties, fertilizer carts, grass catchers, pruning shears, wooden plant stakes, sprayers and steel shelving*, from the facilities of Dexol Industries, at Torrance, CA, to the facilities of Dexol Industries, at Dallas TX, and points in AZ, CO, ID, IA, KS, MT, NE, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Dexol Industries, of Torrance, CA, and (3) *clothing* from the facilities of Petrie Stores Corporation at Dallas, TX, to Los Angeles, Oakland, and San Francisco, CA, under continuing contract(s) with Petrie Stores, of Secaucus, NJ; in Sub-No. 7X *general commodities* (except classes A and B explosives and household goods, as defined by the Commission), (a) between points in WA, OR, ID, NV, UT, AZ, CA, CO, NM, and TX, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, MI, IN, KY, TN, MS, AL, FL, GA, NC, SC, VA, WV, OH, MD, PA, NY, NJ, MA, CT, DE, RI, WI, IL, OK, KS and DC; and (b) between Los Angeles, CA, on the one

hand, and, on the other, points in the US (except AK and HI). Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80103. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to certified Freight Systems Corporation of Coopersburg, PA of Certificate No. MC-73587 Subs 135, 136, 139, 140, 141, 143, and 144X issued to Elliot Brothers Trucking Company, Inc. (Gary R. Greeblatt, Receiver in Bankruptcy), of Baltimore, MD, authorizing: General commodities and named specified commodities, over regular and irregular routes, between named points in MD, ME, NH, VT, NJ, VA, PA, DE, DC, NY, CT, RI, MA. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA, 18966.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80106. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to Mickelson Trucking, Inc., of Mt. Horeb, WI of Permit No. MC-159972 issued September 24, 1982 to Sonnenburg Haulers, Inc., of Mt. Horeb, WI, authorizing: *foodstuffs*, between points in the U.S. (except AK and HI), under contracts with named shippers. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719.

Note.—TA has been filed. Transferee is not a carrier.

No. MC-FC-80109. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to ROGERS TRANSFER INC., of Aurora, IL, of Certificate No. MC-146493, issued to AIRPORT LIVERY SERVICE, INC., also of Aurora, IL, which authorizes the transportation of *general commodities* (with exceptions), between Aurora and Joliet, IL, on the one hand, and on the other, points in WI on and south of US Hwy 10, those points in IA on and east of US Hwy 63, points in IL on and north of US Hwy 36, those points in IN on and north and west of a line beginning at the IL-IN State line, and extending along US Hwy 36 to junction US Hwy 27, then north over US Hwy 27 to the IN-MI State line, and those points in MI on and west and south of a line beginning at the IN-MI State line, and extending along US Hwy 127 to junction US Hwy 10, then west over US Hwy 10 to Lake Michigan. Representative: Joseph E.

Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601.

Note.—Transferee is not a carrier.

[FR Doc. 82-29478 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly

noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3, (202) 275-5223.

Volume No. OP3-03

Decided: October 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 58495 (Sub-2), filed October 6, 1982. Applicant: EDDIE L. BELL and VERDEAN BELL, d.b.a. BELL TRANSFER, 518 Lincoln St., Winner, SD 57580. Representative: Kim L. Bell (same address as applicant), (605) 842-0690. Transporting *food and other edible products and hyproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points, in the U.S. (except AK and HI).

MC 58885 (Sub-37), filed September 29, 1982. Applicant: ATLANTA MOTOR LINES, INC., 1622 Cedar Grove Road, Conley, GA 30027. Representative: Paul P. Watkins, P.O. Box 76358, Atlanta, GA 30358, (404) 255-0688. Transporting *general commodities*, between Mineral Bluff, GA and Culberson, Old Murphy and Ranger, NC, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of all rail service.

MC 119634 (Sub-57), filed October 5, 1982. Applicant: DICK IRVIN, INC., Hwy 2 West, P.O. Box F, Shelby, MT 59474. Representative: Mark A. Cole (same address as applicant), (406) 434-5583. (A) As a *broker of general commodities* (except household goods), and (B) transporting (1) for or on behalf of the

U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except HI).

MC 164015, filed September 28, 1982. Applicant: MIDWESTERN TANK LINES, INC., 328 E. Stonehedge Dr., Ste. 19A, Salt Lake City, UT 84107. Representative: William J. Lawson (same address as applicant), (801) 262-7684. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 164035, filed September 29, 1982. Applicant: MARCUS E. HOLSTINE, 7235 Xavier St., Westminster, CO 80030. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837-1204. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164124, filed October 4, 1982. Applicant: DUKE'S ENTERPRISES, INCORPORATED, Esseltine, SD 57234. Representative: Edward L. Duke, 108 Spruce Ave., N., Thief River Falls, MN 56701, (218) 681-1020. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between point in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-225

Decided: October 19, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 163469 (Sub-1), filed October 7, 1982. Applicant: IHC TRANSPORTATION, P.O. Box 3189, Bldg. 102, Fort Harrison Industrial Park, Terre Haute, IN 47803. Representative: Owen B. Katzman, 1828 L St. NW., Suite 1111, Washington, DC 20036, (202) 822-8200. As a *broker of general*

commodities (except household goods), between points in the U.S. (except AK and HI).

MC 164088, filed October 5, 1982. Applicant: DIANA REFRIGERATED TRUCKING INC., 1417 N. Missouri, Cape Girardeau, MO 63701. Representative: Columbus M. Miles, Jr. (same address as applicant), (314) 334-8918. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164118, filed October 5, 1982. Applicant: KAREN R. AND JOSEPH G. TIMRECK, d.b.a. K & J TRUCKING, 2350 South 23d St., Manitowoc, WI 54220. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164169, filed October 8, 1982. Applicant: GARRARD TRANSPORTATION SERVICE, P.O. Box 9010, Columbus, MS 39701. Representative: Norman J. Philion, 1920 N Street NW., Washington, DC 20036, (202) 331-8800. As a *broker of general commodities* (except household goods) between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29481 Filed 10-26-82; 6:45 am]

BILLING CODE 7035-01-M

[Volume No. 187]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s)

indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Agatha L. Mergenovich,
Secretary.

MC 99680 (Sub-20) (republication), filed May 5, 1982, published May 25, 1982, and republished this issue. Applicant: NORTSHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th St., Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. A decision by the Commission, Division 2, acting as an Appellate Division, decided October 7, 1982 and served October 14, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* between Uniontown, KY, on the one hand, and, on the other, points in the United States. Applicant is fit, willing, and able properly to perform the granted service and to conform to the statutory and administrative requirements. The purpose of this republication is to delete the commodity and territorial exclusions. Condition: To the extent the certificate granted herein authorizes the transportation of classes A and B explosives, it will expire 5 years from date of issuance. Applicant must certify to the Commission, prior to initiating operations, that all rail service has actually terminated at the involved points. Applicant must send an affidavit marked "Certification of Rail Service Termination" to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

MC 110841 (Sub-24) (republication), filed April 12, 1982, published May 10, 1982, and republished this issue. Applicant: PORT NORRIS EXPRESS CO., INC., North Avenue, Port Norris, NJ 08349. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, (703) 525-4050. A decision by the Commission, Division 2, acting as an Appellate Division, decided September 28, 1982, and served October 4, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Kansas, Windsor, Ashmore, and Tower Hill, IL, Huntertown, Wallen, Laotto, Swan, Avilla, Gadsden, Toto, Tefft, Charlottesville, Greenfield, Philadelphia, Gem, Cumberland, Hebron, Denham, Plainfield, Clayton,

Amo, Coatesville, Fillmore, Pennville, West Cambridge City, Hillsboro, Waynetown, and Covington, IN, Ludlow, MA, Clinton, Tekonsha, Homer, Concord, Spring Arbor, Centerville, Nottawa, Fairfax, Colon, Sherwood, and Union City, MI, Mt. Hope, Veron, Rudeville, Highland Lakes, Blairstown, Marksboro, Greendell, Cranberry Lake, Lake Lackawanna, Pemberton, Elm, and Ft. Dix, NJ, New Milford, Rosendale, High Falls, Rifton, Tillson, Williamsville, Gardiner, Modina, Lee, Blossvale, Lima, Malone, Constable, Trout River, Leicester, LaGrange, Groveland, Mt. Morris, Sonyea, Linden, Oneida Castle, Red Oaks Mill, Fishkill Plains, St. Andrews, Plattekill, Ilion, and Stafford, NY, Berwick, Ellis, Dresden, Cadiz, Patterson, Grant, Lisbon, Westerville, Galena, Sunbury, Centerburg, Bangs, Mount Liberty, Millwood, Phalanx, Garrettsville, Piney Fork, Pekin, Paris, Amsterdam, Wolf Run, Pattersonville, Augusta, Mechanicstown, Bergholz, Harrod, White Cottage, Moxahala Park, Roseville, Hepburn, Meeker, Big Island, New Lexington, Savona, Fort Jefferson, Germantown, Farmersville, Ingomar, West Alexandria, Trotwood, Brookville, Bachman, West Sonora, Eldorado, Glass Rock, Mt. Perry, Fultonham, East Fultonham, and Crooksville, OH, and Heilwood, Mountain Home, Pulaski, Spring City, Seiple, Upland, Carlton, Dimeling, Madera, Potts Run, Nanty Go, Lilly, Alexandria, Mount Pleasant, Hepburnville, Woodland Park, Cochran, Utica, Niles, New Providence, Garland, Pittsfield, Youngsville, Irvine, Starbrick, Waterford, Union City, Beaver Dam, Elgin, Spring Creek, Greason, Audubon, Newville, Oakville, Cornwall, Northwood, Vail, Bald Eagle, Port Matilda, Julian, Unionville, Wingate, South Bradford, Degolia, Custer City, Eysers, Grove, Strawberry Ridge, Lewis Run, and Slatington, PA, on the one hand, and, on the other, points in the United States. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include authority to transport classes A and B explosives and household goods and to serve Alaska and Hawaii.

MC 146890 (Sub-46) (republication), filed May 25, 1982, published June 11, 1982, and republished this issue. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 1910 Pennsylvania Ave. NW., Washington, DC 20006, (202) 828-5015. A decision by the Commission, Review Board #2, decided

September 28, 1982, and served October 15, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives and household goods), between points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, on the one hand, and, on the other points in the United States (except Alaska and Hawaii). Applicant is fit, willing, and able properly to perform the granted service and to conform to the statutory and administrative requirements. The purpose of this republication is to expand the authority to include points in Ohio.

MC 147770 (Sub-5) (republication), filed March 12, 1982, published April 14, 1982, and republished this issue. Applicant: WEST AMERICAN TRANSPORT, INC., 1260 West North Temple, Salt Lake City, UT 84116. Representative: Mark K. Boyle, Suite 400, 10 West Broadway Bldg., Salt Lake City, UT 84101, (801) 363-3550. A decision by the Commission, Division 1, acting as an Appellate Division, decided September 2, 1982, and served October 4, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food and related products*, (2) *farm products, metal products and machinery* and (3) *parts and supplies* for the commodities in (2) above (a) between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming and (b) between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming on the one hand, and, on the other, those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to authorize the grant of authority originally sought.

MC 161301 (republication), filed March 30, 1982, published April 23, 1982, and republished this issue. Applicant: PAUL L. FANSON, d.b.a. TOTEM COACHES, INC., P.O. Box 1283, Puyallup, WA 98371. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055-3273, (206) 235-1111. A decision by the Commission, Review

Board No. 1, decided June 25, 1982, and served July 6, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, between points in Washington, on the one hand, and, on the other, points in Alaska, Washington, Oregon, California, Nevada, Idaho, and Montana. Applicant is fit, willing, and able properly to perform the granted service and to conform to the statutory and administrative requirements. The purpose of this republication is to grant authority to serve Alaska and Washington.

[FR Doc. 82-20479 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-5-224]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: October 19, 1982.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed.

Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 5, (202) 275-7289.

MC 5428 (Sub-13), filed October 8, 1982. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart (same address as applicant), (214) 446-1500. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Stromberg-Carlson Corporation of Lake Mary, FL.

MC 40978 (Sub-96), filed October 7, 1982. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414-273-7410. Transporting *furniture and fixtures*, between points in Allegheny and Westmoreland Counties, PA, on the one hand, and, on

the other, points in LA, IL, IN, MI, MN, MO, OH and WI.

MC 139559 (Sub-3), filed October 5, 1982. Applicant: B & H CARTAGE, INC., 52 Summit St., Newark, OH 43055. Representative: William L. Weese (same address as applicant), (614) 323-3200. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142629 (Sub-6), filed October 12, 1982. Applicant: ED HOPSON PRODUCE COMPANY, INC., P.O. Box 3287, Oxford, AL 36203. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, 205-578-3212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 143389 (Sub-16), filed October 8, 1982. Applicant: MERCHANTS DUTCH EXPRESS, INC., 2019 Jackson St., P.O. Box 2525, Monroe, LA 71207. Representative: James K. Adams (same address as applicant), (318) 322-2888. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia-Pacific Corporation, of Atlanta, Ga.

MC 144739 (Sub-9), filed October 6, 1982. Applicant: BOB'S TRUCK SERVICE, INC., P.O. Box 528, Middletown, OH 45042. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between St. Louis, MO, and points in MI, WI, IL, IN, OH, WV, KY, VA, PA, and MD, and (2) between points in MS, AL, GA, SC, NC, and TN, on the one hand, and, on the other, St. Louis, MO, and points in WI, MI, IL, IN, OH, KY, WV, PA, MD, and VA.

MC 149199 (Sub-17), filed October 7, 1982. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262-1322. Transporting *such commodities* as are dealt in or used by manufacturers of off-highway vehicles and drilling rig draw works, between points in Montgomery, Angelina and Limestone Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151738 (Sub-1), filed October 7, 1982. Applicant: CONCEPT, INC., Box 485, Cooperstown, ND 58425. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056, (701) 223-5300. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products, between Fargo, ND, on the one hand, and, on the other, points in MN.

MC 164159 filed October 7, 1982. Applicant: TRANSPORTATION SYSTEMS, INC., P.O. Box 8689, Fountain Valley, CA 92703. Representative: Charles Ephraim, 918 16th St., N.W., Suite 406, Washington, DC 20006, (202) 833-1170. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Overland Shippers and Receivers Association, Inc., of Fountain Valley, CA.

MC 164168, filed October 8, 1982. Applicant: NMC TRANSPORTATION COMPANY, 1610 Farlin Ave., Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the U.S., under continuing contract(s) with University Travel Service, Inc., d/b/a Moor Fun Tours, of Green Bay, WI.

MC 164179, filed October 12, 1982. Applicant: RADIO TRANSFER, INCORPORATED, 1240 Fuller, N.E., Grand Rapids, MI 49505. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Kent, Ottawa, Allegan and Van Buren Counties, MI, on the one hand, and, on the other, points in OH, IL, and IN.

[FR Doc. 82-29480 Filed 10-26-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register

publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-210

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm., 620, Philadelphia, PA 19106. Originally published in **Federal Register** dated September 29, 1982.

MC 153918 (Sub-II-3TA), filed September 13, 1982. Applicant: TRANSPORTATION & CONSOLIDATION CENTERS, INC., P.O. Box 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Contract, irregular—*General commodities (except Classes A & B explosives, household goods and commodities in bulk)* between points in CA, CT, DE, DC, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV and WI, under continuing contract(s) with TCC Inc., An underlying ETA seeks 120 days authority. Supporting shipper(s): TCC Inc., Harrisburg International Airport, Middletown, PA 17057. The purpose of re-publishing the above is to show the State of NY which was not shown in the first publication.

MC 164192 (Sub-II-1TA), filed October 13, 1982. Applicant: AMENT TRUCKING CO., Box 182, R.D. #3, Dallas, PA 18612.

Representative: Raymond A. Talipski, 121 S. Main St., Taylor, PA 18517. *Recreation supplies, pet supplies, coal and coal products, ice melting compounds* between Luzerne County, PA, on the one hand, and, on the other, points in NY, NJ, MD, WV, DE, VT, RI, CT, MA, ME, NH, VA, GA, MO, IL, TN, DC. An underlying ETA seeks 120 days authority. Supporting shipper(s): Millazzo Industries, 1609 River Rd., Pittston, PA 18640.

MC 14251 (Sub-II-1TA), filed October 12, 1982. Applicant: APPLIED DISTRIBUTION SYSTEMS CORP., 3275 Alum Creek Dr., Columbus, OH 43215. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Auto parts having an immediately prior or subsequent movement in interstate commerce* between Cleveland, OH, on the one hand, and, on the other, points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Maremont Corporation, 1283 Murfreesboro Rd., Nashville, TN 37217.

MC 164197 (Sub-II-1TA), filed October 13, 1982. Applicant: JOCK TRUCKING COMPANY, 5825 Addison St., Philadelphia, PA 19143. Representative: Paul Breen, 226 S. 16th St., Philadelphia, PA 19202. Contract irregular: *frozen meats*, between points in PA and NJ., under a continuing contract(s) with Mullica Hill Cold Storage Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Mullica Hill Cold Storage Co., Route 538, Mullica Hill, N.J. 08026.

MC 107012 (Sub-II-239TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract, irregular: *General commodities (except household goods, classes A & B explosives, and commodities in bulk)* between points in the U.S., under continuing contract(s) with Charlotte Freight Association, Inc., of Charlotte, NC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Charlotte Freight Assoc., Inc., 3508 Starita Road, Charlotte, NC 28213.

MC 107012 (Sub-II-240TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract, irregular: *household goods* from points in the United States to points in MA, PA, NY, MD, VA, WV, TN, KY, IN, AL, under continuing contract(s) with Hills Department Stores for 270 days. An underlying ETA seeks 120 days

authority. Supporting shipper: Hills Department Stores, 15 Dan Road, Canton, MA 02021.

MC 107012 (Sub-II-241TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Standard Oil of Indiana for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Standard Oil of Indiana, 200 E. Randolph Drive, Chicago, IL 60601.

MC 107012 (Sub-II-242TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives and commodities in bulk)* between points in the United States under continuing contract(s) with Hughes Tool Company, of Houston, TX for 270 days. Supporting shipper: Hughes Tool Company, 5425 Polk Avenue, Houston, TX 77001.

MC 123675 (Sub-II-1TA), filed October 7, 1982. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Keith D. Warner (same as applicant). Contract, irregular: *Truck cabs and component parts, on special racks*, between Marion, IN and Lehigh County, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): General Tire & Rubber Company, One General Street, Akron, OH 44329.

MC 164191 (Sub-II-1TA), filed October 13, 1982. Applicant: MICHAEL A. OLENCHOCK JR., d.b.a., TWO-WAY CONTRACT CARRIER, Box 534-C R.D. No. 3, Latrobe, PA 15650. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956. Contract, irregular: *garments and equipment, materials and supplies used in the manufacture and distribution thereof* between Eldersburg, MD, on the one hand, and, on the other, Jacksonville and Miami, FL; Washington, GA; Bishopville and Orangeburg, SC, under contract with Londontown Corp. of Eldersburg, MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Londontown Corp., Londontown, Blvd., Eldersburg, MD 21784.

MC 154475 (Sub-II-2TA), filed October 8, 1982. Applicant: MARGARET WEIR,

d.b.a. WEIR EXPRESS, Suite 508, 11256 Cornell Park Drive, Blue Ash, OH 45242. Representative: Edward R. Kirk, Esq., 85 East Gay Street, Columbus, OH 43215. *Chewing gum and related articles* from Cincinnati, OH to points in Hamilton, Butler, Warren and Clermont Counties, OH and Boone, Campbell, and Kenton Counties, KY, having a prior or subsequent movement in interstate commerce for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wm. Wrigley Jr. Company, 410 North Michigan Ave., Chicago, IL 60611.

MC 154240 (Sub-II-1TA), filed October 7, 1982. Applicant: HEIL WINDERMERE STORAGE AND MOVING CO., 8649 Freeway Dr., Macedonia, OH 44056. Representative: Richard J. Heil (same as above). *Chemicals and related products, rubber and plastic products, glass products, metal products, machinery, transportation equipment and commodities which because of their size require the use of special handling equipment*, between Lorain Co/OH and Cuyahoga Co., OH on the one hand and on the other points in the US for 270 days. Supporting shipper(s): Xerxes Corporation, 34250 Mills Rd., Avon, OH 44011.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29482 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 6 SDM]

Burlington Northern Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Burlington Northern Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 6 SDM. The Commission on October 14, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section

of Dockets, by requesting docket No. AB 6 SDM.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29476 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 7 SDM]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 7 SDM. The Commission on October 13, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 7 SDM.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29475 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-170, 171, and 173 (Final)]

Certain Carbon Steel Products From the Republic of Korea

AGENCY: United States International Trade Commission.

ACTION: Institution of final countervailing duty investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: October 12, 1982.

SUMMARY: As a result of affirmative preliminary determinations by the United States Department of Commerce that there is a reasonable basis to believe or suspect that the Government of the Republic of Korea (Korea) is providing, directly or indirectly, subsidies with respect to the

manufacture, production, or exportation of certain carbon steel products within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. § 1671), the United States International Trade Commission hereby gives notice of the institution of the following investigations under section 705(b) of the Act (19 U.S.C. § 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea of the specified merchandise:

Hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA) (investigation No. 701-TA-170 (Final));

Hot-rolled carbon steel sheet, provided for in TSUSA items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 (investigation No. 701-TA-171 (Final)); and

Galvanized carbon steel sheet, provided for in TSUSA items 608.0710, 608.0730, 608.1100, and 608.1300 (investigation No. 701-TA-173 (Final)).

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger (202-523-0312) or Mr. Daniel Leahy (202-523-1369), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On June 21, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports of the subject carbon steel products from Korea on May 7, 1982, by United States Steel Corp. The Department of Commerce will make its final subsidy determinations in these cases on or before December 20, 1982. The Commission must make its final injury determinations in the investigations within 120 days after the date of Commerce's preliminary subsidy determinations or by February 8, 1983 (19 CFR § 207.25). A public version of the staff report containing preliminary findings of fact will be placed in the public record on December 23, 1982, pursuant to section 207.21 of the Commission's Rules of Practice and Procedure (19 CFR § 207.21).

Hearing.—The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m.,

e.s.t., on January 10, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. The hearing in these investigations will be held simultaneously with the hearing previously scheduled for antidumping investigations Nos. 731-TA-53, 58, 59, 60, 61, 62, 63, 67, 69, 70, 74, 82, 83, 85, and 86 (Final) concerning certain carbon steel products from Belgium, France, Italy, Romania, the United Kingdom, and the Federal Republic of Germany (47 F.R. 46773, October 20, 1982). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 17, 1982. All persons desiring to appear at the hearing and make oral presentations may file prehearing briefs and should attend a prehearing conference to be held at 10:00 a.m., e.s.t., on December 23, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing Briefs must be filed on or before January 5, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23, as amended by 47 FR 33682, August 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with rule § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, August 4, 1982). Posthearing briefs must conform with the provisions of rule 207.24 (19 CFR 207.24, as amended by 47 F.R. 6191, February 10, 1982) and must be submitted not later than the close of business on January 17, 1983.

Written submissions.—Any person may submit to the Commission a written statement of information pertinent to the subject of these investigations. A signed original and fourteen (14) true copies of each submission must be filed with the secretary to the Commission on or before January 17, 1983. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of

the Commission's Rules of Practice and Procedure (19 CFR 201.6).

Service of documents.—Any interested person may appear in these investigations as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with section 201.11 of the Commission's rules (19 CFR § 201.11, as amended by 47 F.R. 6189, February 10, 1982). Each entry of appearance must be filed with the Secretary no later than 21 days after the publication of this notice in the **Federal Register**.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR § 201.8, as amended by 47 F.R. 6188, February 10, 1982, and 47 F.R. 13791, April 1, 1982), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in section 201.16(b) of the rules (19 CFR § 201.16(b), as amended by 47 F.R. 33682, August 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 F.R. 6182, February 10, 1982, and 47 F.R. 33682, August 4, 1982) and part 201, subparts A through E (19 CFR part 201, as amended by 47 F.R. 6182, February 10, 1982, 47 F.R. 13791, April 1, 1982, and 47 F.R. 33682, August 4, 1982).

This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR § 207.20, as amended by 47 F.R. 6190, February 10, 1982).

By order of the Commission.

Issued: October 22, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29534 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-112]

Certain Cube Puzzles; Commission Request for Comments Regarding Proposed Termination of Respondents Based on Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Request for public comment on the proposed termination of two respondents based on individual settlement agreements.

SUMMARY: The settlement agreements would result in the termination of this investigation as to respondents Henry Wedemeyer, Inc., and Chinese Arts and Crafts, Inc. This notice requests comments from the public on the proposed termination.

DATES: Comments will be considered if received within 30 days of publication of this notice. They should conform with section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR § 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain cube puzzles. Notice of the institution of the investigation was published in the **Federal Register** of December 29, 1981 (46 FR 62964). Complainant Ideal Toy Corp. (Ideal) and each of the above-named respondents have moved jointly in separate motions for termination of this investigation as to the above-named respondents. The Commission investigative attorney has filed a public interest statement stating that there are no public interest factors that warrant denying the motions to terminate. On July 28, 1982, the presiding officer recommended that the joint motions be granted (Order No. 31).

SETTLEMENT AGREEMENTS: The settlement agreements are summarized as follows:

Henry Wedemeyer, Inc.

1. Wedemeyer agrees to pay a certain sum of money to Ideal.
2. Wedemeyer agrees to destroy its inventory of cube puzzles.
3. Wedemeyer agrees to the entry of a judgment by consent in a related district court action.

Chinese Arts and Crafts, Inc.

1. Chinese Arts and Crafts agrees to pay a certain sum of money to Ideal.

2. Chinese Arts and Crafts agrees to the entry of a judgment by consent in a related district court action.
3. Chinese Arts and Crafts will not make unauthorized use of Ideal's "trademark packaging, trade dress, style and labeling for its 'RUBIK'S CUBE' puzzles," or attempt to exploit Ideal's rights therein.

WRITTEN COMMENTS REQUESTED: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effect that the proposed termination of the above-named respondents based on the settlement agreements may have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the *Federal Register*. In addition, pursuant to 19 CFR § 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

ADDITIONAL INFORMATION: The original and 14 copies of all written submissions must be filed with the Secretary to the Commission, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT:

William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0499.

By order of the Commission.

Issued: October 21, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29531 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 377-TA-128]

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination terminating Stoller Chemical Co. and Three Jay Laboratories as respondents in the above-captioned investigation. Accordingly, as of November 19, 1982, the initial determination will become the Commission's determination with respect to this matter.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. §§ 1335, 1337) and in sections 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR §§ 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On September 17, 1982, complainant Kocide Chemical Corp., and respondents Stoller Chemical Corp. ("Stoller") and Three Jay Laboratories, Inc. ("Three Jay") jointly moved (Motion No. 128-4) to terminate the Commission's investigation with respect to Stoller and Three Jay. On October 4, 1982, the presiding officer granted Motion No. 128-4 and terminated Stoller and Three Jay as respondents in investigation No. 377-TA-128, *Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof*.

Pursuant to rule 210.53(h)(2), an initial determination of the presiding officer under rule 210.53(c) becomes the determination of the Commission fifteen (15) days from the date of service, unless the Commission orders review of the initial determination.

Having examined the record in this investigation, including Motion No. 128-4, the papers filed in connection therewith, and the initial determination of the presiding officer, the Commission finds no grounds for review of the initial determination.

Copies of the presiding officer's initial determination and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E

Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

By order of the Commission.

Issued: October 20, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29533 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-128]

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Order No. 13: Order Cancelling TEO Hearing

By a letter of October 13, 1982 to the presiding officer, filed with the Commission Secretary, complainant Kocide Chemical Corp. withdrew its request for a temporary excluding order. Accordingly, notice is hereby given that the hearing on temporary relief, scheduled to commence on November 15, 1982, is cancelled.

The Secretary shall publish this order in the *Federal Register*.

Issued: October 15, 1982.

Judge Donald K. Duvall,
Presiding Officer.

[FR Doc. 82-29539 Filed 10-26-82; 8:45 am]

BILLING CODE 4020-02-M

[Investigation No. 337-TA-122]

Certain Miniature, Battery-Operated, All Terrain, Wheeled Vehicles; Termination of Respondents Based on a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Termination of the investigation with respect to respondents L.J.N. Toys, Ltd. (L.J.N.), L.J.N. Toys (Hong Kong) Ltd. (L.J.N. HK), and Universal International (Holdings) U.S.A., Ltd. (Universal) based on a settlement agreement.

SUPPLEMENTARY INFORMATION:

Complainants and respondents L.J.N., L.J.N. HK, and Universal, supported by the Commission investigative attorney, moved on July 19, 1982, to terminate the investigation as to those respondents on the basis of a settlement agreement.

On September 22, 1982, the Commission published a notice in the *Federal Register* requesting comment from the public and from interested Federal agencies regarding whether the

investigation should be terminated as to the aforementioned respondents on the basis of the settlement agreement (47 F.R. 41880). The comment period, shortened to 15 days, expired on October 7, 1982. No comments were received.

On October 14, 1982, the Commission granted the motion and terminated this investigation as to L.J.N., L.J.N. HK, and Universal on the basis of the settlement agreement. The Commission concluded that such termination would not adversely affect the public interest.

Notice of this investigation was published in the *Federal Register* of May 19, 1982 (47 F.R. 21638).

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0480.

By order of the Commission.

Issued: October 19, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29540 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-124]

Certain Textile Spinning Frames and Automatic Doffers Thereof; Commission Review of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review on its own motion an initial determination granting a motion for summary judgement that the Schubert & Salzer respondents have not as a matter of law violated section 337, and terminating the investigation with respect to such respondents.

AUTHORITY: The authority for Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and in section 210.55 of the Commission's Rules of Practice and Procedure (19 CFR § 210.55, as amended at 47 FR 25137 [June 10, 1982]).

SUPPLEMENTARY INFORMATION: The initial determination was issued in response to a motion for summary determination and termination as to respondents Schubert & Salzer Machinefabrik A.G. and Schubert & Salzer Machine Works.

The initial determination granted the motion for summary determination and terminated the investigation as to the Schubert & Salzer respondents. None of the parties to the investigation petitioned for review of the initial determination, and no government agency has recommended it. However, the Commission has determined that there are certain issues of law that warrant review of the initial determination.

Specifically, the scope of the Commission's review shall be limited to the following issues: (1) whether there are no genuine issues of material fact with respect to whether the S & S respondents have violated section 337; and (2) assuming a summary determination was appropriate, whether the Schubert & Salzer respondents have not, as a matter of law, violated section 337.

Copies of the presiding officer's initial determination, the Commission Action and Order, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Sheila Landers, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0421.

By order of the Commission.

Issued: October 19, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29541 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-108]

Certain Vacuum Bottles and Components Thereof; Termination of Two Respondents on the Basis of Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation as to respondents Kenco Incentives, Inc. (Kenco), and Wholesale Merchandisers, Inc. (Wholesale Merchandisers), on the basis of settlement agreements.

SUMMARY: On June 7, 1982, a joint motion (Motion No. 108-20) was filed by complainant Union Manufacturing Co. (Union) and respondent Kenco to terminate Kenco as a party-respondent in the above-captioned investigation on the basis of a settlement agreement. On June 23, 1982, the presiding officer recommended that the joint motion be granted. A *Federal Register* notice was published on August 18, 1982, seeking comments from interested members of the public and other Government agencies on the proposed termination of this respondent. 47 FR 36037. No comments were received. On October 19, 1982, the Commission granted the joint motion to terminate the investigation as to respondent Kenco on the basis of a settlement agreement.

On July 21, 1982, a joint motion (Motion No. 108-23) was filed by complainant Union and respondent Wholesale Merchandisers to terminate Wholesale Merchandisers as a party-respondent in the above-captioned investigation on the basis of a settlement agreement. On July 30, 1982, the presiding officer recommended that the joint motion be granted. A *Federal Register* notice was published on August 25, 1982, seeking comment from interested members of the public and other Government agencies on the proposed termination of this respondent. 47 FR 37313. No comments were received. On October 19, 1982 the Commission granted the joint motion to terminate the investigation as to respondent Wholesale Merchandisers on the basis of a settlement agreement.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain vacuum bottles and components thereof. Notice of the institution of the investigation was published in the *Federal Register* of October 29, 1981 (43 FR 53543).

Copies of any nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0499.

By order of the Commission.

Issued: October 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29535 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-87 (Final)]

Hot-Rolled Carbon Steel Plate From Brazil

AGENCY: United States International Trade Commission.

ACTION: Continuation of final countervailing duty investigation.

EFFECTIVE DATE: September 22, 1982.

SUMMARY: On September 7, 1982, the United States Department of Commerce suspended its countervailing duty investigation concerning hot-rolled carbon steel plate from Brazil (47 FR 39394). The basis for the suspension was an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject products to the United States. Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)(B)), the United States International Trade Commission suspended its countervailing duty investigation on hot-rolled carbon steel plate from Brazil (47 FR 41884). On September 22, 1982, however, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 704(g)(2) of the tariff Act (19 U.S.C. 1671c(g)(2)) by counsel for Republic Steel Corp., Inland Steel Co., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Corp. Similar requests were received from United States Steel Corp on September 24, 1982, and from counsel for Bethlehem Steel Corp. on September 27, 1982. Accordingly, the Commission hereby gives notice of the continuation of investigation No. 701-TA-87 (Final), Hot-Rolled Carbon Steel Plate from Brazil.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone (202-523-0242), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Commission determination.—The Commission will make its determination in this investigation within 45 days of the date on which Commerce publishes its final net subsidy determination.

Hearing.—The Commission does not intend to schedule an additional hearing in connection with this continued investigation since the hearing of

September 1, 1982, on this investigation was held prior to the suspension.

Written submissions.—Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission on or before December 6, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

Service of documents.—Any interested person may appear in this investigation as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with section 201.11 of the Commission's rules (19 CFR 201.11). Each entry of appearance must be filed with the Secretary no later than 21 days after the publication of this notice in the Federal Register.

The Secretary will compile a service list from the entries of appearance filed in this final investigation and from the Commission's record in the preliminary investigation. Any party submitting a document in connection with these investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in section 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, 44 FR 76457 as amended in 47 FR 6190 and 47 FR 12792) and part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).

By order of the Commission.

Issued: October 20, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29537 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-89 (Final)]

Prestressed Concrete Steel Wire Strand From the United Kingdom

AGENCY: U.S. International Trade Commission.

ACTION: Institution of final antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-89 (Final) to determine, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)), whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the United Kingdom (U.K.) of steel wire strand for prestressing concrete (PC strand), provided for in item 642.11 of the Tariff Schedules of the United States, which are alleged to be sold at less than fair value (LTFV).

EFFECTIVE DATE: October 15, 1982.

FOR FURTHER INFORMATION CONTACT: David Coombs, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-1376.

SUPPLEMENTARY INFORMATION:

Background.—On March 4, 1982, a petition was filed with the Commission and the U.S. Department of Commerce by counsel for American Spring Wire Corp., Armco Inc., Bethlehem Steel Corp., Florida Wire & Cable Co., Pan American Ropes Inc., and Shinko Wire America Inc., alleging that an industry in the United States is materially injured or is threatened with material injury by reason of imports of PC strand from the U.K., which are alleged to be sold at LTFV. On April 14, 1982, the Commission determined, pursuant to § 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports from the U.K. which were alleged to be sold at LTFV (47 F.R. 18200). On October 6, 1982, Commerce

issued a preliminary determination that imports of PC strand from the U.K. are being sold in the United States at LTFV (47 F.R. 44132). Accordingly, the Commission is instituting this final antidumping investigation.

This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR § 207 (1981)), as amended, and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before December 29, 1982, a written statement of information pertinent to the subject matter of the investigation. A signed original and fourteen copies of such statements must be submitted. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted in conformance with the requirements of section 201.6 of the Commission's Rules (19 CFR § 201.6 (1981)). Each sheet of information for which confidential treatment is desired must be clearly marked at the top "Confidential Business Data". All written submissions, except for confidential business data, will be available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Rules (19 CFR § 201.11), not later than twenty-one (21) days after the publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's Rules (19 CFR § 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list) and a certificate of service must accompany the document. Absent a certificate of service, the Secretary shall not accept such document for filing (19 CFR § 201.16(c)).

Public hearing.—The Commission will hold a public hearing in connection with

this investigation on January 4, 1983, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10:00 a.m. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 13, 1982. Persons desiring to appear at the hearing and make oral presentations may file a prehearing brief and should attend a prehearing conference to be held at 10:00 a.m., on December 15, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing briefs must be filed on or before December 29, 1982.

A staff report containing preliminary findings of facts will be made available to all interested parties on December 17, 1982.

Testimony at the public hearing is governed by section 207.23 of the Commission's Rules (19 CFR § 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with rule 207.22 (19 CFR § 207.22). Posthearing briefs will also be accepted within a time specified at the hearing.

Public inspection.—All written submissions, except for confidential business information, will be available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207, 47 F.R. 6182, February 10, 1982; 47 F.R. 12792, March 25, 1982; 47 F.R. 33682, August 4, 1982), and part 201, subparts A through E (19 CFR part 201, 47 F.R. 6182, February 10, 1982; 47 F.R. 13791, April 1, 1982; F.R. 33682, August 4, 1982).

This notice is published pursuant to section 207.12 of the Commission's Rules of Practice and Procedure (19 CFR § 207.12 (1981)).

By order of the Commission.

Issued: October 18, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29536 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

Certain Seamless Steel Pipes and Tubes from Japan

AGENCY: United States International Trade Commission.

ACTION: Change of Date of Public Hearing.

SUMMARY: Notice is hereby given that the public hearing to be held in connection with United States International Trade Commission investigation No. 731-TA-87 (Final), certain seamless steel pipes and tubes from Japan, will begin at 10:00 a.m., Wednesday, January 12, 1983, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. A hearing date of November 3, 1982, had previously been announced in the Commission's notice of institution of investigation as published in the *Federal Register* of September 29, 1982 (47 F.R. 42847). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) December 16, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10:00 a.m., on December 20, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before January 5, 1983. The Commission's final action, notification of the Department of Commerce, is similarly postponed until February 14, 1983. These changes are made pursuant to the Department of Commerce's granting of an extension of time as a result of a request by an exporter involved in this investigation. (see 47 F.R. 44594).

By order of the Commission.

Issued: October 20, 1982

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29532 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-18]

Supreme Drug, Inc. Tyree L. Simmons, R.Ph., Chicago, Illinois; Hearing

Notice is hereby given that on April 9, 1982, the Drug Enforcement Administration, Department of Justice, issued to Supreme Drug, Inc., Tyree L. Simmons, R.Ph., an Order To Show Cause as to why the Drug Enforcement

Administration should not revoke its DEA Certificate of Registration, AS3883952.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, November 3, 1982, in Courtroom No. 3, Room 309, U.S. Claims Court, 717 Madison Place, NW., Washington, D.C.

Dated: October 21, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-29510 Filed 10-26-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-64)]

NASA Advisory Council (NAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of Issues in Selecting Private Citizens for Space Shuttle Flight.

DATE AND TIME: November 11-12, 1982, 9 a.m. to 5 p.m.

ADDRESS: NASA John F. Kennedy Space Center, Headquarters Building, Room 4111, Kennedy Space Center, FL.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force for the Study of Issues in Selecting Private Citizens for Space Shuttle Flight was established under the NASA Advisory Council to conduct a study of the relevant issues and to report its findings and recommendations to the Council. The Task Force is comprised of its Chairperson, Dr. John E. Naugle, and eight other members.

The meeting will be closed to the public because the members will consider the qualifications of candidates from whom to solicit counsel on the objectives for flying passengers and the

various options for the selection process. Because the meeting will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

October 21, 1982.

[FR Doc. 82-29393 Filed 10-26-82; 8:45 am]

BILLING CODE 7510-01-M

[Notice (82-65)]

NASA Advisory Council (NAC), Space and Earth Science Advisory Committee (SESAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space and Earth Science Advisory Committee.

DATE AND TIME: November 18, 1982, 9:00 a.m. to 5:30 p.m.; and November 19, 1982, 9:00 a.m. to 3:00 p.m.

ADDRESS: National Aeronautics and Space Administration Room B226-A, 600 Independence Ave. SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3653).

SUPPLEMENTARY INFORMATION: The NAC Space and Earth Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space and Earth Science programs. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). Topics under discussion at this meeting will include discussion of the role of the Space and Earth Science Advisory Committee, and an overview of the Office of Space Science and Applications programs.

TYPE OF MEETING: Open.

Agenda

November 18, 1982

9:00 a.m.—Introduction, Announcements, Meeting Logistics, Other Administrative Matters.

9:30 a.m.—Office of Space Science and Applications Program Status, Discussion of Role of SESAC, Possible Committee Activities.

1:00 p.m.—Overview of Office of Space Science and Applications Programs.

5:30 p.m.—Adjourn.

November 19, 1982

9:00 a.m.—Overview of Office of Space Science and Applications Programs (continued).

1:00 p.m.—Arrangements for next meeting, assignments, general discussion, meeting summary.

3:00 p.m. Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

October 18, 1982.

[FR Doc. 82-29394 Filed 10-26-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 870 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 29, 1982. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by

the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 *Federal Register*. Additional information was published in the 13 July 1982 *Federal Register*, page 30328.

The application received is as follows:
1. *Applicant*: A. W. Erickson, School of Fisheries, University of Washington, Seattle, Washington 98195.

Activities for Which Permit Requested: Taking, Import into U.S.A.

The applicant proposes to conduct a census of seals in the pack ice surrounding Antarctica. No actual taking of live specimens is intended.

Location: Pack ice surrounding the Antarctic continent.

Dates: January 1, 1983 to December 12, 1983.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs, Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 82-29436 Filed 10-26-82; 8:45am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-508A]

Washington Public Power Supply System, et al; receipt of Antitrust Information

The Washington Public Power Supply System has submitted antitrust information accompanying its application for an operating license for a pressurized water reactor (known as WNP-3) Near Satsop, in Grays Harbor County, Washington. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The construction permit holders for WNP-3 are Washington Public Power Supply System, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company and Washington Water Power Company.

On completion of the staff's antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant

changes" under Section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the *Federal Register* and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the *Federal Register* notice. The results of any reevaluation that is requested will also be published in the *Federal Register* and copies sent to the Washington, D.C. and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D.C. 20555, and at the local public document room at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicant's activities since the construction permit antitrust review should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Office of Nuclear Reactor Regulation, on or before November 26, 1982.

Dated at Bethesda, Maryland, this 19th day of October, 1982.

For the Nuclear Regulatory Commission

Janis D. Kerrigan,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Docs. 82-29241 Filed 10-26-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11984]

Canadian Pacific Limited; Notice of Application and Opportunity for Hearing

October 19, 1982.

Notice is hereby given that Canadian Pacific Limited (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding that the trusteeship

of Bank of Montreal Trust Company ("Bank of Montreal Trust") under an Equipment Trust Agreement of the Company dated as of January 1, 1977 (the "1977 Indenture"), which was not qualified under the Act, and under a proposed Equipment Trust Agreement to be entered into between the Company and Bank of Montreal Trust, Trustee (the "1982 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank of Montreal Trust from acting as Trustee under the 1982 Indenture.

Section 310 (b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures. The Company alleges that:

(1) The Company has outstanding on the date hereof \$23,330,000 aggregate principal amount of its Equipment Trust Certificates, Series W (the "1977 Trust Certificates") issued under the 1977 Indenture executed by the Company and Bank of Montreal Trust, as Trustee. Inasmuch as the 1977 Trust Certificates were offered and sold to private investors for investment and not with a view to distribution, the issuance and sale of the 1977 Trust Certificates was therefore exempt from registration under the Securities Act of 1933, as amended (the "Securities Act"), and the 1977 Trust Certificates have not been registered under the Securities Act. Accordingly, the 1977 Indenture was not qualified under the Trust Indenture Act. Bank of Montreal Trust is currently

acting as Trustee under the 1977 Indenture.

(2) The Company intends to file with the Commission on or about October 25, 1982, a Registration Statement on Form S-3 and pursuant to Rule 415 covering equipment trust certificates to be issued in one or more series (the "New Trust Certificates") under the 1982 Indenture. It is intended that the 1982 Indenture will be qualified under the Trust Indenture Act. As the Company desires to appoint Bank of Montreal Trust to act as Trustee under the 1982 Indenture, Bank of Montreal Trust will file a statement on Form T-1 as to its eligibility and qualifications under the Trust Indenture Act.

(3) The 1982 Indenture will contain the provision required by Section 310(b) of the Trust Indenture Act.

(4) Bank of Montreal Trust would not be qualified to act as trustee under the 1982 Indenture and the 1982 Indenture could not be qualified under the Trust Indenture Act unless Bank of Montreal Trust is deemed not to have such a conflicting interest by reason of a finding by the Commission after opportunity for hearing that its acting as Trustee under the 1977 and 1982 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify it from so acting.

(5) The 1982 Indenture contemplates the possible issuance of the New Trust Certificates in series, each series issued thereunder to be secured by separate trust equipment. Since the 1977 Trust Certificates are secured by a separate and distinct group of identified standard-gauge railroad equipment, which is owned by a trust established exclusively for the benefit of the holders of such 1977 Trust Certificates, as will be the case with respect to each series of the New Trust Certificates, should Bank of Montreal Trust have occasion to proceed against the security held in one of these trusts, such action would not affect the security, or the use of any security, held in any other trust. Thus, the existence of the other trusteeship should not inhibit or discourage Bank of Montreal Trust's actions or involve Bank of Montreal Trust in a conflict of interest.

(6) The material differences between the 1977 Indenture and the 1982 Indenture, and between the rights of the holders of the 1977 Trust Certificates and the holders of the New Trust Certificates relate to aggregate principal amounts, dates of issue, maturity and interest payment dated, interest rates, denominations, redemption prices and

procedures, sinking fund provisions, conditional sale of equipment as opposed to lease of equipment, certain events of default, the inclusion of provisions required by the Trust Indenture Act, certain financial covenants, provisions as to the trustee, provisions as to supplement agreements and amendments and other provisions of a similar nature. Any such differences and any other difference in the provisions of the 1977 and 1982 Indentures are unlikely to cause any conflict of interest between the respective trusteeships of Bank of Montreal Trust under said Indentures.

(7) The Company is not in default under the 1977 Indenture, and upon the issuance of the New Trust Certificates will not be in default under the 1982 Indenture.

(8) Such differences as exist between the 1977 Indenture and the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank of Montreal Trust from acting as Trustee under the 1982 Indenture.

(9) Applicant has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is on file in the offices of the Commission's Public Reference Section at 450 Fifth Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 15, 1982 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division

of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29442 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272-2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Service, Washington, D.C. 20549.

New Rule

Rule 17Ad-10 (17 CFR 240.17Ad-10), SEC File No. 240-265.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval proposed rule 17Ad-10 concerning the accurate creation and maintenance by registered transfer agents of securityholder files. Rule 17Ad-10 sets forth certain standards to be followed by registered transfer agents that maintain issuers' securityholder records and other transfer agents contractually related to the same issuers.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395-4814.

George A. Fitzsimmons,
Secretary.

October 19, 1982.

[FR Doc. 82-29447 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272-2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

New Rule

Rule 17Ad-11 (17 CFR 240.17Ad-11), SEC File No. 270.261.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval Rule 17Ad-11 under the Securities Exchange Act of 1934 concerning reports by registered

transfer agents to issuers and the appropriate regulatory agency. Rule 17Ad-11 requires registered transfer agents to report to affected issuers and their appropriate regulatory agency when they experience certain operational difficulties.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395-4814.
George A. Fitzsimmons,
Secretary.

October 19, 1982.

[FR Doc. 82-29448 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272-2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Amended Rule

Rule 17Ad-4 (b) and (c) (17 CFR 240.17Ad-4 (b) and (c)), SEC File No. 270-264.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval Rule 17Ad-4 (b) and (c) under the Securities Exchange Act of 1934 concerning the status of certain registered transfer agents under applicable Commission rules. Amended Rule 17Ad-4(b) sets forth certain standards to be followed by registered transfer agents whose activity volume exempts them from certain Commission rules. Amended Rule 17Ad-4(c) sets forth certain standards to be followed by registered transfer agents when their activity volume increase so that they are no longer exempt from certain Commission rules.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395-4814.
George A. Fitzsimmons,
Secretary.

October 19, 1982.

[FR Doc. 82-29443 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Rules Under Review By Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272-2700.

Upon written request copy available from: Securities and Exchange

Commission, Office of Consumer Affairs and Information Service, Washington, D.C. 20549.

New Rule

Rule 17Ad-13 (17 CFR 240.17Ad-13), SEC File No. 270-263.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval Rule 17Ad-13 under the Securities Exchange Act of 1934 concerning the audit of registered transfer agent internal accounting control. Rule 17Ad-13 requires certain registered transfer agents to obtain an annual report, prepared by an accountant, on the adequacy of certain aspects of the transfer agent's internal accounting controls and procedures for safeguarding funds and securities relative to transfer agent activities.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395-4814.
George A. Fitzsimmons,
Secretary.

October 19, 1982.

[FR Doc. 29446 Filed 10-26-82; 8:45 am]

BILLING CODE 801-01-M

[Release No. 34-19150; File No. SR-MSTC-82-18]

Self-Regulatory Organizations; Proposed Rule; Midwest Securities Trust Co.; Relating to Price Schedule for Municipal Bonds

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 5, 1982, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the Price Schedule for Municipal Bonds effective for items processed after July 1, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the rule change is to establish a fee schedule for MSTC's Municipal Bond Program.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, and the rules and regulations thereunder applicable to MSTC in that it provides for the equitable allocation of fees and other charges among MSTC's participants.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 17, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 18, 1982.

George A. Fitzsimmons,
Secretary.

Exhibit A

MSTC-M FEE SCHEDULE FOR PARTICIPANTS

Service fee:	
Full MSTC Participant	\$150.00/mo.
MSTC-M Participant Only	300.00/mo.
Safeguarding:	
Position fee—Item (per Cusip):	
(1) For Cusip with only one participant with position.	2.10/mo.
(2) For Cusip with two participants with position.	1.50/mo.
(3) For Cusip with three or more participants with position.	1.25/mo.
Position fee—Value (per par value).	.000020/mo.
Transactions:	
Interest:	
For interest received	2.00/credit
Deposit	8.00 + .06/\$M over \$50,000
Withdrawal	8.00 + .06/\$M over \$50,000
Deposit/Withdrawal shipping fee:	
(4) Shipping fees will be rebated quarterly. Rebates will be a pro rata share of excess of fees collected less actual cost of shipments between depository satellites and custodians under MSTC's courier contract.	3.00/item
Withdrawal for delivery to non-member will be standard withdrawal fees plus charges of clearing agent as a pass through cost plus \$1.00	
Bookentry depository delivery instructions:	
receive/deliver—interparticipant	1.75
deliver—intraparticipant	1.75
Redemption processing:	
Position fee	1.50
Position value	.03/1M
Plus shipment costs to paying agent.	12.00/issue
Call Processing:	
Position fee	1.50
Position value	.03/1M
Plus shipment costs to paying agent.	12.00/issue
For each bond received after expiration date or call or tender and subsequently returned to participant.	30.00/bond
Other:	
Terminal usage	Rebilled at cost
Line (terminal)	Rbilled at cost

[FR Doc. 82-29445 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

October 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

AMR Corporation, Common Stock, \$1 Par Value (File No. 7-6343)

Resorts International Inc., Common Stock, Class A, \$1 Par Value (File No. 7-6344)

Universal Resources Corp., Common Stock, \$.50 Par Value (File No. 7-6345)

National Patent Development Corp., Common Stock, \$.01 Par Value (File No. 7-6346)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29450 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

October 20, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

AMR Corporation, Common Stock, \$1 Par Value (File No. 7-6347)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 10, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29449 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19151; File No. SR-PSE-82-11]

Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc.

October 18, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 27, 1982, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend rule X, Section 12 of the rules of the board of Governors of the Pacific Stock Exchange, Inc. to require certain member organizations to use a registered securities depository for the confirmation, acknowledgement and book-entry settlement of the following depository eligible transactions: (1) a purchase by the customer where its agent is to receive the securities against payment ("COD"); and (2) a sale by the customer where its agent is to deliver the securities against payment ("POD").

The proposed rule change provides for certain exemptions, including an exemption for COD/POD transactions between a member organization and a

customer when the member organization and its agent are not currently participants in a registered securities depository or the customer and its agent are not currently participants in a registered securities depository.

In its filing, the PSE made statements regarding the purposes and statutory basis of the proposed rule change. The PSE believes that member firms of each self-regulatory organization on which securities are traded continue to experience problems, especially in periods of high trading volume, in processing collect on delivery orders (COD), payment on delivery orders (POD), as well as Don't Know Rejected Trades (DKs). The purpose of the proposed rule change is to help encourage prompt delivery and payment and reduce "Don't Know Rejected Trades." It is also intended to reduce the costs and delays associated with unnecessary physical movement of stock certificates. Electronic confirmation, acknowledgement, and book-entry settlement through a registered securities depository will provide for more expeditious and efficient settlement of COD/POD transactions for parties to institutional trades and will thus facilitate more cost efficient operation during both normal and high volume periods.

The PSE believes that the proposed rule change is consistent with the requirements of Sections 6(b)(5), 17A(a)(1) and (2) and 17A(e) of the Act. In its filing the PSE stated that the proposal is consistent with Section 6(b)(5) in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

The PSE further stated, in its filing, that the proposed rule change is consistent with Section 17A(a)(1) of the Act by furthering the specific objectives of Congress relative to the clearance and settlement of securities transactions. In addition, the PSE stated that the proposed rule change is consistent with the Congressional mandate of Section 17A(a)(2) that the Commission facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities. This proposed rule change, which in effect encourages expanded use by current participants of clearance and settlement facilities already in existence, by design will facilitate the implementation of such a national system. The PSE further believes that the proposed rule change will encourage the use of more efficient depository procedures for confirmation,

acknowledgement, and settlement of COD/POD transactions. A diminished reliance on inefficient methods would reduce the clerical, interest, and other related costs borne by brokers and eventually passed along to their customers.

Furthermore, in its filing, the PSE stated that under Section 17A(e) of the Act, the Commission is directed to end the physical movement of securities certificates in connection with the settlement among brokers and dealers of transactions in securities consummated by means of the mails or any means or instrumentalities of interstate commerce. The PSE believes that to the extent this proposal will promote book entry settlement, it will correspondingly reduce the physical delivery and receipt of securities among brokers in connection with the settlement of securities transactions.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before November 17, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-82-11.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-2944 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

ABRAMS, Melvin, 2400 Section Road, Cincinnati, Ohio, convicted on July 6, 1966, in the Hamilton County Common Pleas Court in Ohio.

ACKERMAN, Marcus O. Jr., 346 See Wee Circle, Mount Pleasant, South Carolina, convicted in October 1978, in the United States District Court, Charleston, South Carolina.

ACKERS, John M., 333 Grove Street, Box 99, Norwell, Massachusetts, convicted on February 16, 1954, in the Plymouth Superior Court of Massachusetts.

ADAMES, Esteban E., 1408 Fanhawe Street, Philadelphia, Pennsylvania, convicted on August 2, 1970, in the Court of Quarters Sessions (City Hall), County of Philadelphia.

ADLER, Alfred A., 10360 East Flintlock Trail, Tucson, Arizona, convicted on August 25,

- 1980, in the Superior Court of Pima County, Arizona.
- AINSWORTH, Steven A.**, 1213 Millie, Rosenberg, Texas, convicted on August 30, 1978, in the 262nd District Court of Harris County, Texas.
- ALDRIDGE, Derrick A.**, 716 East Morango, Flint, Michigan, convicted on August 4, 1978, in the Tenth Judicial Circuit Court, Birmingham, Alabama; and on September 17, 1972, in Pine Bluff, Arkansas.
- ALMOND, Michael A.**, 695 West 8th Street, St. Johns, Arizona, convicted on September 30, 1977, in the United States District Court, Southern District of Texas, Corpus Christi Division.
- ALMOND, Tracey L.**, P.O. Box 1571, Marietta Trailer Court, No. 12, Forks, Washington, convicted on April 27, 1978, in the District Court, Fourth Judicial District, County of Missoula, Montana.
- ALTIS, Larry D.**, 390 Ragan Drive, Christiansburg, Virginia, convicted on September 8, 1976, in the Roanoke County Circuit Court, Salem, Virginia; and on November 15, 1976, in the Franklin County Circuit Court, Rocky Mount, Virginia.
- ANDERSON, Danny C.**, P.O. Box 5176, Ketchikan, Alaska, convicted on March 31, 1974, in the Superior Court of King County, Washington.
- ANDERSON, Eugene K.**, 835 Woods Road, Southeast, Port Orchard, Washington, convicted on December 9, 1980, in the Superior Court of Kitsap County, Washington.
- ANDERSON, Warren A.**, Route 1, Box 66, Foley, Minnesota, convicted on May 12, 1980, in the United States District Court, Third Division, St. Paul, Minnesota.
- ANGELLE, Gary M.**, 3604 Terrace Drive, Nederland, Texas, convicted on December 10, 1978, in the 252nd District Court, Jefferson County, Texas.
- ANGERS, BRADFORD J.**, 7770 Goforth Circle, Dallas, Texas, convicted on December 21, 1951; and on March 10, 1952, in the Records Court, Detroit, Michigan.
- ARMOUR, Clifford D.**, 2230 McCutchin Place, Pensacola, Florida, convicted on June 6, 1975, in the United States District Court, Northern Judicial District of Mississippi.
- ARNETT, Richard**, 2223 Devonport Drive, Apartment 2, Lexington, Kentucky, convicted on October 26, 1977, in the Fayette Circuit Court, Lexington, Kentucky.
- ARNOLD, Horace**, 94 Chauncey Street, Brooklyn, New York, convicted on January 4, 1952, in the United States District Court, Washington, DC.
- ARWOOD, Lewis R.**, Number 84, Madison Village, Richmond, Kentucky, convicted on March 9, 1979, in the Fayette Circuit Court, Lexington, Kentucky; and on April 4, 1979, in the United States District Court, Lexington, Kentucky.
- ASLAKSON, Kurt N.**, 552 Concord Drive, Chaska, Minnesota, convicted on December 29, 1980, in the First Judicial District Court of Carver County, Minnesota.
- AUCIELLO, Alfred**, P.O. Box 112, Synanon Church, Badger, California, convicted on November 3, 1948, in the Supreme Court of Queens County, New York.
- AYERS, Jonathan K.**, 125 South Cross Street, Harrisville, Virginia, convicted on May 13, 1969, at Ramey Air Force Base, Puerto Rico.
- BACHOFER, Michael J.**, 17714 31st Drive, Northeast, Arlington, Washington, convicted on May 15, 1971, in the Superior Court of Snohomish County, Washington; and on March 18, 1976, in the Superior Court of Lewis County, Washington.
- BADGER, John W.**, Gentry Street, Jefferson, North Carolina, convicted on July 24, 1973, in the United States District Court, Wilksboro Division, Middle District of North Carolina.
- BADOUR, Daniel L.**, 2409 Adair Street, Flint, Michigan, convicted on April 22, 1980, in the Circuit Court of Palm Beach County, Florida.
- BAILEY, Harold D.**, 1437 Reed Drive, Lot 18, Marietta, Georgia, convicted on April 23, 1953; and on September 20, 1955, in the Superior Court for Cobb County, Georgia.
- BAILEY, Isom J.**, P.O. Box 212, Bradshaw, West Virginia, convicted on July 15, 1955, in the McDowell County Circuit Court of West Virginia; and on October 19, 1956, in the Circuit Court of Buchanan County, Virginia.
- BAILEY, James**, 5400 Willows Avenue, Philadelphia, Pennsylvania, convicted on September 16, 1945; and on February 28, 1955, in the Common Pleas Court of Philadelphia, Pennsylvania.
- BAIRD, Debbie**, Route 3, Box 3278, Grandview, Washington, convicted on December 13, 1976, in the Circuit Court of Lane County, Oregon.
- BAIRD, William E. Jr.**, Route 6, Box 182, Seneca, South Carolina, convicted on February 16, 1971, in the Pickens County Court, Pickens, South Carolina.
- BAKER, Charlie M.**, P.O. Box 662, Sheridan, Wyoming, convicted on May 30, 1979, in the United States District Court, Cheyenne, Wyoming.
- BAKER, William H. III**, 1208 Thornwood Drive, Birmingham, Alabama, convicted on November 27, 1974, in the United States District Court, Birmingham, Alabama.
- BALDO, Harry J.**, 4128 Durwood, Flint, Michigan, convicted on May 13, 1974, in the District Court, of Reno County, Kansas.
- BALOUGH, Steven M.**, Rural Route 1, Box 2006, Dora, Missouri, convicted on April 26, 1976, in the Douglas County District Court, Omaha, Nebraska.
- BARRETT, Sam**, 3229 West Jefferson Street, Louisville, Kentucky, convicted on March 28, 1958, in the Kentucky Circuit Court of Spencer County, Kentucky.
- BARUP, Harold W.**, Route 1, Box 1013, Waterville, Vermont, convicted on March 28, 1977, in the Vermont District Court, Unit 3, Lamoille County Circuit, Hyde Park, Vermont.
- BASHAM, Sherman E.**, 4-A Harry Smith Apartments, Owensboro, Kentucky, convicted on April 20, 1971, in the Circuit Court of Grayson County, Kentucky; on August 26, 1971, in the Circuit Court, Madison, Indiana; and on March 19, 1974, in the Circuit Court of Jefferson County, Kentucky.
- BATEMAN, Jimmy L.**, 1717 Northwest Second Street, Oklahoma City, Oklahoma, convicted on June 9, 1969, in the District Court of Oklahoma County, Oklahoma.
- BATES, James W.**, Route 6, Box 301-A, Owensboro, Kentucky, convicted in September 1976, in the United States District Court, Nashville, Tennessee.
- BATTEY, Michael L.**, 6528 Springfield Drive, Charlotte, North Carolina, convicted on August 3, 1972, in the Superior Court, Mecklenburg, North Carolina.
- BAUER, Robert A.**, 1110 Tyler Street, Corpus Christi, Texas, convicted on August 31, 1977, in the Tenth Judicial District Court of Washington County, Minnesota.
- BAUMRING, Victor A.**, 21 Markfield Drive, Charleston, South Carolina, convicted on April 8, 1975, in the Charleston County of General Sessions, Charleston, South Carolina.
- BEAM, Benjamin C. Jr.**, 204 Illinois Street, Spindale, North Carolina, convicted on February 5, 1974, in the Criminal Court of Marion County, West Virginia.
- BEARD, Frank L.**, 3207 LaQuinta, Missouri City, Texas, convicted on May 25, 1969, in the Dallas Criminal District Court, Number 1, Dallas, Texas.
- BERG, Armin R.**, 1101 Webster Street, Bay City, Michigan, convicted on July 6, 1968, in the Circuit Court of Ottawa County, Grand Haven, Michigan; and on March 16, 1970, in the 61st District Court of Kent County, Michigan.
- BETHELEHEM STEEL CORPORATION AND SUBSIDIARY COMPANIES**, Bethlehem, Pennsylvania, convicted on July 24, 1980, in the United States District Court, Southern District of New York.
- BEVERLY, William R. III**, 4044 McKay Avenue, Richmond, Virginia, convicted on June 13, 1975, in the Circuit Court, Richmond, Virginia.
- BEVRY, Kenneth G.**, 4800 Highway H, Franksville, Wisconsin, convicted on January 13, 1978, in the United States District Court, Eastern District of Wisconsin.
- BILLET, Gordon A.**, 2060 East Hyacinth, St. Paul, Minnesota, convicted on February 16, 1978, in the Ramsey County District Court, St. Paul, Minnesota.
- BISHOP, Homer K.**, S & D Trailer Court, Route 1, Lot 1, Garden City, Kansas, convicted on March 12, 1975, in the District Court of Grady County, Oklahoma.
- BLACK, Don R.**, 2395 Redwood Avenue, Space 12, Grants Pass, Oregon, convicted on February 21, 1973, in the District Court of Washoe County, Nevada.
- BLACKBURN, Joseph C.**, Route 1, Box 85X, Madison, Virginia, convicted on June 9, 1978, in the United States District Court, Savannah, Georgia.
- BLASKOWSKI, George J.**, 125 First Street, Lewiston, Minnesota, convicted on May 9, 1978, in the Third Judicial District Court, Winona, Minnesota.
- BLEWETT, Stanley E.**, 308 7th Street, Bowling Green, Kentucky, convicted on January 30, 1976, in the Warren County Circuit Court, Bowling Green, Kentucky.
- BOOTH, Ronald L.**, 7550 Fern School Road, Sheridan, Oregon, convicted on January 29, 1979, in the Circuit Court of Lincoln County, Oregon.
- BORUM, Charles O.**, 1725 Canterbury Road, Macon, Georgia, convicted on March 3, 1975, in the United States District Court, Macon, Georgia.

- BOURGEOIS, Mark D.**, 615 Trowbridge Street, Franklin, Louisiana, convicted on May 16, 1978, in the 15th Judicial District Court, Parish of Lafayette, Louisiana.
- BOWLES, Robert P.**, Route 12, Mt. Vernon Road, Gainesville, Georgia, convicted on March 4, 1977, in the United States District Court, Northern District of Gainesville, Georgia.
- BOWMAN, Ralph S.**, 7025 Cutting Boulevard, El Cerrito, California, convicted on May 16, 1977, in the United States District Court, Southern Judicial District of California.
- BOYD, Reginald**, 1423 West 15th Avenue, Gary, Indiana, convicted on August 10, 1972, in the Northern Judicial District, Hammond, Indiana.
- BOYER, Larry J.**, 8 Lincoln Street, Mount Morris, Illinois, convicted on January 31, 1972, in the 14th Circuit Court of Whiteside County, Illinois.
- BRACKEE, Richard I.**, 198 Madden Road, Cinebar, Washington, convicted on June 1, 1970, in the Superior Court of Lewis County, Washington.
- BRADY, Kevin T.**, 326 Avant, Hazelwood, Missouri, convicted on January 16, 1978, in the Circuit Court of Levy County, Florida.
- BRAXTON, Harry Jr.**, 556 St. Andrews Boulevard, Charleston, South Carolina, convicted on December 2, 1947, in the Court of General Sessions, Charleston, South Carolina.
- BREEDEN, Stephen L.**, Star Route, Box 85-A, Natural Bridge Station, Virginia, convicted on April 13, 1978, in the Circuit Court of Rockbridge County, Virginia.
- BRICE, Joe**, 119 Avenue H, Sugarland, Texas, convicted on January 24, 1944, in the Fourth District Court of Quachita County, Louisiana.
- BRISCO, Donald K.**, 3705 Joshua Court, Arlington, Texas, convicted on April 30, 1974, in the Criminal District Court of Tarrant County, Texas.
- BROCKMAN, Evan R.**, Route 1, Box 184, Lindenstation, Wisconsin, convicted on April 4, 1964, in the County Court of Jueau County, Wisconsin.
- BROWN, Richard L. Jr.**, 1957 Delmont Street, Walla Walla, Washington, convicted on October 31, 1973; and on February 20, 1975, in the Superior Court of Walla Walla, Washington.
- BRUNAS, Deborah M.**, 19784 Westbrook, Detroit, Michigan, convicted on August 1, 1978, in the Wayne County Circuit Court, Detroit, Michigan.
- BRUSEAU, David H.**, 26869 Old Halley Road, Sweet Home, Oregon, convicted on May 15, 1959, in the Circuit Court of Ingham County, Michigan.
- BRYANT, Vanie**, 649 Ozburn Road, Atlanta, Georgia, convicted on October 1, 1951, in the United States District Court, Northern District of Atlanta, Georgia.
- BULLOCK, Ray K.**, 3711 San Felipe, Apartment G-2, Houston, Texas, convicted on November 5, 1976, in the United States District Court, Southern District of Texas.
- BURCHETT, George K.**, Route 1, Box 32, Ivanhoe, Virginia, convicted on April 13, 1942, in the United States District Court, Abingdon, Virginia.
- BURGE, Stanley E.**, 2300 East 12th Street, Apartment 35, Post Falls, Idaho, convicted on March 27, 1979, in the First Judicial District Court of Kootenai County, Idaho.
- BURKEY, Douglas J.**, 839 East Walnut Street, Lancaster, Pennsylvania, convicted on February 17, 1978, in the Superior Court of Kent County, Delaware.
- BURLINGAME, Richard**, Rural Route 1, Box 31, Castorland, New York, convicted on November 13, 1946, in the St. Lawrence County Court; and on November 21, 1947, in the County Court of Tioga County, New York.
- BURNEY, Phillip D.**, 234 Anita Court, West Palm Beach, Florida, convicted on May 9, 1972, in the Circuit Court of Palm Beach, Florida.
- BURNS, John L.**, Route 3, Box 207-D, Springfield, Tennessee, convicted on August 5, 1980, in the United States District Court, Middle District of Nashville, Tennessee.
- BURNS, Robert E. Jr.**, 434 Green Valley Road, Inola, Oklahoma, convicted on March 17, 1977, in the 15th Judicial District Court of Wagoner County, Oklahoma.
- BUSH, Verlo W.**, 1564 North Portland Road, Newberg, Oregon, convicted on March 8, 1976, in the Circuit Court of Rainier County, Oregon.
- BUTLER, Jann T.**, 851 South Jackson, Tacoma, Washington, convicted on August 25, 1967, in the Superior Court of Pierce County, Tacoma, Washington.
- BUTRIM, Joseph M.**, 6909 Railway Avenue, Baltimore, Maryland, convicted on March 2, 1962, in the Criminal Court of Baltimore County, Maryland.
- BYRAM, Durward H. Jr.**, P.O. Box 111, Sebastopol, Mississippi, convicted on May 21, 1975, in the United States District Court, Paducah, Kentucky.
- BYRAM, Durward H., Sr.**, P.O. Box 111, Sebastopol, Mississippi, convicted on October 19, 1970, in the Scott County Circuit Court, Forrest, Mississippi; and on May 21, 1975, in the United States District Court, Paducah, Kentucky.
- CABLE, Charles R.**, 53317 Woodstock Drive, Lapine, Oregon, convicted on August 14, 1970, in the Superior Court of San Bernardino, California.
- CADIEN, James Lee Jr.**, 2716 Oakland Street, Beaufort, South Carolina, convicted on July 26, 1979, in the Court of General Sessions, Beaufort, South Carolina.
- CALLAHAN, Patrick N.**, 320 West 8th Street, Dallas, Texas, convicted on March 15, 1968, in the Criminal District Court of Dallas County, Texas.
- CANZONE, Michael**, 1922 McGraw Avenue, Bronx, New York, convicted on February 19, 1936, in the Court of General Sessions of New York County, New York.
- CAPANEGRO, Michael J.**, 480 Dune Road, West Hampton Beach, New York, convicted on July 7, 1977, in the Southern Judicial District of New York.
- CAPITANI, Charles W.**, 2925 6th Avenue, Hibbing, Minnesota, convicted in April 1973, in the United States District Court of Northern Illinois.
- CARNES, Dale D. Sr.**, 206 Southwest Arlan Drive, Ankeny, Iowa, convicted on February 6, 1959, in the Warren County District Court, Indianola, Iowa.
- CARON, Michael S.**, 4534 South 54th, Lincoln, Nebraska, convicted on September 10, 1975, in the District Court of Lancaster County, Nebraska.
- CASSINELLI, Donald J.**, 986-2 Mesa Ridge, Sparks, Nevada, convicted on April 13, 1976, in the District Court of Washoe County, Nevada.
- CATON, George C.**, Route 2, Box 38, Green Pine Acres, West Blocton, Alabama, convicted on May 19, 1977, in the Shelby County Circuit Court of Alabama.
- CHAMBERLAIN, Terry N.**, 3727 Roswell Street, St. Louis, Missouri, convicted on August 1, 1977, in the United States District Court, Northern District of Iowa.
- CHANDLER, Wilson L.**, Route 3, Box 318, Petersburg, Virginia, convicted on February 23, 1973, in the Circuit Court of Dinwiddie County, Virginia.
- CLARKE, Joseph M.**, 154 East Duval Street, Philadelphia, Pennsylvania, convicted on January 8, 1970, in the Motor Vehicle Court, Philadelphia, Pennsylvania.
- CHASE, Richard J.**, Box 55761, Tanana Apartments, No. 12, North Pole, Alaska, convicted on February 23, 1976, in the Superior Court, Fourth Judicial District of Alaska.
- CHILDERS, Brian L.**, 5090 Northwest Anderson Hill Road, Silverdale, Washington, convicted on April 11, 1977, in the Superior Court of Kitsap County, Washington.
- CLAYTON, Robert W.**, Route 6, Box 406, Gunterville, Alabama, convicted on December 9, 1977, in the United States District Court, Birmingham, Alabama.
- CLEM, Charles H.**, 1120 Lee Street, Covington, Kentucky, convicted in the Vanderburgh Circuit Court, Evansville, Indiana.
- CLOYD, Gregory A.**, P.O. Box 54, Wallace, Kansas, convicted on July 14, 1976, in the District Court of Adams County, Brighton, Colorado.
- COEN, Richard H.**, P.O. Box 2, Monroe, Nebraska, convicted on December 8, 1960, in the Noble County District Court, Oklahoma.
- COHEN, Robert H.**, 1345 Southeast Bonneville, Idaho Falls, Idaho, convicted on October 20, 1975, in the United States District Court, District of Oregon.
- COHEN, Sylvan H.**, 3029 Thrush Drive, St. Charles, Missouri, convicted on August 30, 1976, in the United States District Court, St. Louis, Missouri.
- COLE, Henry G.**, 253 Norwood Avenue, Northeast, Atlanta, Georgia, convicted on April 1, 1949, in the Northern Federal District Court of Georgia.
- COLE, Larry E.**, Rouses Trailer Park, Highway 24 West, Lot 9, Atlantic Beach, North Carolina, convicted on September 10, 1974, in the Superior Court of Carteret County, North Carolina.
- COLLINS, Marshall D.**, 9791 Calendula Avenue, Westminster, California, convicted on October 17, 1960, in the Superior Court of Los Angeles County, California.
- CONNELL, Gregory E.**, 17034 427th Avenue, Southeast, North Bend, Washington, convicted on April 15, 1975, in the Superior Court of King County, Washington.

- CONSTANTINO, Justo**, 41 Beaver Street, Brooklyn, New York, convicted on December 18, 1973, in the Queens County Superior Court, Kew Gardens, New York.
- COOK, Cecil**, 876 Brentwood Drive, Norfolk, Virginia, convicted on January 29, 1962, in the Circuit Court, County of Norfolk, Virginia.
- COOK, Shirel B.**, Route 11, Box 50-A, Hardinsburg, Kentucky, convicted on November 18, 1974, in the Henderson Circuit Court, Henderson, Kentucky.
- COOLEY, Anle H.**, 106 Underwood Drive, Hopkinsville, Kentucky, convicted on December 8, 1965, in the United States District Court, Chattanooga, Tennessee.
- COPE, Kenneth C.**, 709 Fifth Avenue, East, Springfield, Tennessee, convicted on August 11, 1977, in the Robertson County Criminal Court, Springfield, Tennessee.
- COPPOCK, Walter J.**, 643 Taravel Street, Apartment 2, San Francisco, California, convicted on December 13, 1948, in the United States District Court, Los Angeles, California.
- CORNWALL, Herman R.**, Box 155, Cariban Trailer Park, Inkom, Idaho, convicted on March 26, 1973, in the District Court, Seventh Judicial District of Idaho.
- CORREA, Richard C.**, 150-A Miles Lane, Watsonville, California, convicted on January 20, 1970, in the Superior Court of Santa Cruz County, California.
- CORSO, Leonard**, 40 Old Route 25-A, Fort Salonga, New York, convicted on March 5, 1971, in the Eastern District of New York.
- COUCH, Alfred J.**, 224 East Lake Street, Madisonville, Kentucky, convicted on October 11, 1969, in the Hopkins County Circuit Court, Madisonville, Kentucky.
- COX, Roger W., Jr.**, 6425 Brownlee Drive, Nashville, Tennessee, convicted on January 31, 1955, in the Criminal Court of Davidson County, Tennessee.
- CURTIS, Kimberly A.**, 24689 Powerline Road, Harrisburg, Oregon, convicted on January 31, 1980, in the Circuit Court, of Linn County, Oregon.
- COTHREN, Carl D.**, P.O. Box 3-D, Traphill, North Carolina, convicted on November 22, 1949; and on May 5, 1967, in the United States District Court, Wilkesboro, North Carolina.
- CRAWFORD, Dennis R.**, P.O. Box 72, Defiance Road, Defiance, Missouri, convicted on May 5, 1969, in the Circuit Court of Maries County, Missouri.
- CREED, Timothy L.**, P.O. Box 931, Aberdeen, North Carolina, convicted on November 29, 1976, in the Moore County Superior Court, Carthage, North Carolina.
- CRIBBS, Elton**, Route 1, Fargo, Georgia, convicted on December 23, 1958, in the Criminal Court of Duval County, Florida.
- CROYLE, Guy E.**, 927 West 4th Street, Lewistown, Pennsylvania, convicted on October 19, 1978, in the United States District Court, Eastern Judicial District, Philadelphia, Pennsylvania.
- CUBBAGE, Billy F.**, Route 1, Box 612, Stanley, Virginia, convicted on September 25, 1979, in the Circuit Court of Rockingham County, Harrisburg, Virginia.
- CUMMINS, Calvin L.**, 102 Church Street, Edon, Ohio, convicted on January 17, 1976, in the Branch County Circuit Court, Coldwater, Michigan.
- DACHTON, Paul M.**, 14650 Southwest 16th Street, Davie, Florida, convicted July 27, 1971, in the Criminal Court of Dade County, Florida.
- DALTON, Randall E.**, 907 Clara Street, Warrenton, Missouri, convicted on August 20, 1970, in the United States District Court, Deadwood, South Dakota.
- DANIEL, Irvin**, 1203-C Alfred Avenue, Yeadon, Pennsylvania, convicted on January 6, 1973, in the Court of Quarter Sessions, Philadelphia, Pennsylvania.
- DANNA, Salvatore W.**, 1002 Nabbs Creek Road, Glen Burnie, Maryland, convicted on May 19, 1961, in the Towson Criminal Court of Baltimore County, Towson, Maryland.
- DAVIS, Gerald G.**, 110 Walnut Street, Grundy, Virginia, convicted on December 5, 1974, in the Circuit Court of Buchanan County, Commonwealth of Virginia.
- DAVIS, Lancelot**, 28 Yellow Pine, Mount Charleston, Nevada, convicted on December 19, 1968, in the Pinella County Circuit Court of Florida.
- DAVIS, Robert L.**, Route 3, Box 196, North Platte, Nebraska, convicted on April 14, 1975, in the Lincoln County District Court, North Platte, Nebraska.
- DAVIS, William R.**, 5535 Rogers Drive, Columbus, Georgia, convicted on May 20, 1974, in the United States District Court, Middle District of Alabama.
- DAVOLT, Barbara (Heier)**, 5312 West Banff Lane, Glendale, Arizona, convicted on October 28, 1979, in the Superior Court, of Maricopa County, Arizona.
- DAWSEY, Edward M.**, 4615 Andrews Road, Mobile, Alabama, convicted on November 16, 1981, in the United States District Court, Southern District of Alabama, Mobile, Alabama.
- DEARINGER, Anthony E.**, 402 First Street, Steilacoom, Washington, convicted on November 15, 1966, in the Superior Court of Pierce County, Washington.
- DEATHRIAGE, Johnny D.**, 1632 Lydia Drive, Tulare, California, convicted on March 15, 1963, in the Superior Court, County of Los Angeles, California.
- DEATON, Michael G.**, Prather Mobile Home Park, Apartment 10, Flaherty, Kentucky, convicted on June 11, 1976, in the Meade Circuit Court, Brandenburg, Kentucky.
- DE BOER, Craig D.**, Number 13 Prineville Mobile Court, Prineville, Oregon, convicted on February 3, 1975, in the Sixth Judicial District Court, State of Nevada.
- DEMPSEY, Gene**, 1716 South Valley Mills Drive, Waco, Texas, convicted on February 5, 1963 in the 54th Judicial District Court of McLennon County, Texas.
- DEROUEN, Sidney W.**, 636 Cleveland Street, Lake Charles, Louisiana, convicted on May 6, 1975, in the 14th Judicial District Court, Lake Charles, Louisiana.
- DIAZ, Richard M.**, 1071 Southside Drive, Elko, Nevada, convicted on October 17, 1977, in the District Court of Churchill County, Nevada.
- DIEM, Brain W.**, 6544 18th Northwest, Seattle, Washington, convicted on June 6, 1978, in the Superior Court of King County, Washington.
- DIX, Steven L.**, 1157 Wilshire Drive, Prineville, Oregon, convicted on May 16, 1977, in the Circuit Court of Multnomah County, Portland, Oregon.
- DIXON, Delmas W.**, 5920 Rosalyn Drive, Fort Worth, Texas, convicted on November 14, 1960, in the Criminal District Court of Tarrant County, Texas.
- DONIGAN, Leo**, 1128 Gwen Drive, LaPeer, Michigan, convicted on May 6, 1976, in the United States District Court, Detroit, Michigan.
- DONOVAN, Clinton**, 2814 Blair Road, Pollock Pines, California, convicted on October 19, 1961, in the United States District Court, Reno, Nevada.
- DOROFF, Gary W.**, 1440 10th Avenue, Fargo, North Dakota, convicted on March 9, 1978, in the Cass County District Court of North Dakota.
- DOSS, Danny J.**, 617 Arthur Street, La Grange, Georgia, convicted on August 14, 1972, in the Superior Court of Troup County, Georgia.
- DOSTIE, Harry T.**, 109 Birch Street, Lewiston, Maine, convicted on March 22, 1972, in the Superior Court of Androscoggin County, Maine.
- DUKATNIK, John David**, Box 85, Whitharral, Texas, convicted on January 28, 1980, in the Hockley County District Court, Levelland, Texas.
- DULCICH, John L.**, 314 Newton Street, Gretna, Louisiana, convicted on April 11, 1979, in the United States District Court, Eastern District of Louisiana.
- DUNBAR, Coley K.**, 608 Cindy Court, Virginia Beach, Virginia, convicted on January 4, 1979, in the United States District Court, Eastern District of Virginia, Norfolk Division.
- DUNCAN, James F.**, Route 7, Box 147, Jasper, Alabama, convicted on December 19, 1978, in the United States District Court, Birmingham, Alabama.
- DURKEE, Harold E.**, 111 Ann Street, Clarendon Hills, Illinois, convicted on November 5, 1974, in the Northern Judicial District of Illinois, Eastern Division, Chicago, Illinois.
- EANES, Donald G.**, 2112 Rokeby Avenue, Chesapeake, Virginia, convicted on March 30, 1972, in the Chesapeake Circuit Court, Chesapeake, Virginia.
- EBEL, Keith Edward**, 1905 Schnell Drive, Arabi, Louisiana, convicted on September 13, 1977, in the 25th Judicial District Court, Arabi, Louisiana.
- ENERSON, Larry N.**, 1677 North 19th Street, Coos Bay, Oregon, convicted on May 21, 1975; and on March 24, 1977, in the Circuit Court of Coos County, Oregon.
- ENGEL, Richard J.**, 807 12th Avenue, Southeast, Rochester, Minnesota, convicted on April 13, 1972, in the Third Judicial District Court of Olmstead County, Minnesota.
- ENGLE, Ronald J.**, 479 University, Corpus Christi, Texas, convicted on August 23, 1973, in the United States District Court, Southern Judicial District of Corpus Christi, Texas.
- ENGLES, Stephen J.**, 229 7th Avenue South, St. Cloud, Minnesota, convicted on March 20, 1981, in the Seventh Judicial District Court of Benton County, Minnesota.
- ENGLISH, Wendell B.**, Route 4, Box 62, Douglas, Georgia, convicted on January 23,

- 1978, in the Superior Court of Coffee County, Georgia.
- EVINGER, Allen L.**, Route 1, Box 222, Pleasant Hill, Missouri, convicted on February 26, 1976, in the Circuit Court of Jackson County, Missouri.
- EWING, James P.**, 1129 North Popular, Fresno, California, convicted on April 1, 1968, in the Superior Court, Los Angeles, California.
- FAGGETTI, Jack E.**, Rural Route 1, Noble, Illinois, convicted on September 5, 1959, in the United States District Court, Charlotte, North Carolina.
- FARRELL, Gregory Paul**, 9515 Southwest 78th Street, Miami, Florida, convicted on September 19, 1969, in the Dade County Criminal Court, Dade County, Florida.
- FARRINGTON, Frank C.**, 2037-D Fairview Avenue East, Seattle, Washington, convicted on July 7, 1978, in the Superior Court of King County, Washington.
- FEDER, George M.**, 915 Baker Avenue, Mankato, Minnesota, convicted on December 15, 1975, in the First Judicial District Court, County of McCleod, Glencoe, Minnesota.
- FILLINGIM, Larry K.**, 416 Riverlake Court, Woodstock, Georgia, convicted on March 21, 1970, in the Criminal District Court, Parish of New Orleans, Louisiana.
- FISHER, Ralph R.**, 104 South Edison Street, Fredericksburg, Texas, convicted on August 25, 1977, in the 178th District Court of Harris County, Texas; and on February 16, 1978, in the District Court of Lavaca County, Texas.
- FLAGG, Carl**, 9412 South Wabash Avenue, Chicago, Illinois, convicted on December 14, 1973, United States District Court, Northern District, Eastern Division of Chicago, Illinois.
- FORD, Kenneth D.**, 1677 Juneau Drive, Anchorage, Alaska, convicted on November 21, 1978, in the United States District Court, District of Alaska, Anchorage, Alaska.
- FOX, Gerald E.**, 9617 West 6th Avenue, Lakewood, Colorado, convicted on December 23, 1954, in the Circuit Court of St. Louis, Missouri.
- FRAZIER, Wayne G.**, Route 1, Box 174, Waco, Georgia, convicted on October 14, 1975, in the Superior Court of Carroll County, Georgia.
- FREDRICK, Scott A.**, 501 East 12th Street, Mitchell, South Dakota, convicted on August 30, 1979, in the Fourth Judicial Circuit Court of Davison County, South Dakota.
- FROCK, Clifford W.**, P.O. Box 703, Bosworth, Missouri, convicted on July 14, 1965, in the Circuit Court of Carroll County, Carrollton, Missouri.
- FUHRMAN, Larry W.**, 101 Holly Park Street, Longview, Washington, convicted on June 3, 1976, in the Superior Court of Cowlitz County, Washington.
- GALFIN, Lee G.**, 10 River Road, Carmel Valley, California, convicted on August 31, 1967, in the Superior Court of Los Angeles County, California.
- GALLEGOS, Al R.**, 1736 Clarkson Street, Apartment A, Denver, Colorado, convicted on October 17, 1969, in the Second District Court, Denver, Colorado.
- CANTT, Jerry L.**, 405 West 11th Street, Tempe, Arizona, convicted on November 28, 1978, in the Superior Court of Arizona.
- GARCIA, Fermin L.**, 1430 Peterson Street, San Antonio, Texas, convicted on October 3, 1973, in the 186th District Court, San Antonio, Texas.
- GARNER, Cicero C.**, Route 1, Box 109, Beulaville, North Carolina, convicted in 1949, in the United States District Court, Greensboro, North Carolina.
- GARZA, Salvador R.**, Route 5, Box 5764, Hermiston, Oregon, convicted on June 1, 1976, in the United States District Court, Eastern District of Michigan.
- GATHINGS, Mitchell T.**, P.O. Box 309, Ellerbe, North Carolina, convicted on April 4, 1977, in the Richmond County Superior Court, Rockingham, North Carolina.
- GIANDOMENICO, Frederick C.**, 40 Front Street, Walpole, Massachusetts, convicted on June 4, 1971, in the District Court of Wrentham, Norfolk County, Massachusetts.
- GIBBS, Charles G.**, P.O. Box 39, Engelhard, North Carolina, convicted on November 8, 1979, in the United States District Court, Eastern Judicial District of North Carolina.
- GIBNEY, Edward J.**, 530 Foxglove Road, Venice, Florida, convicted, on June 21, 1977, in the Superior Court of Essex County, New Jersey; and on June 22, 1977, in the United States District Court, District of New Jersey.
- GILES, Robert**, 12243 Cheyenne, Detroit, Michigan, convicted on February 24, 1958, in the Records Court, Detroit, Michigan.
- GLENN, Jack T.**, 337 Mulberry Road, Forestdale, Alabama, convicted on December 20, 1979, in the United States District Court, Northern District of Alabama.
- GOLLYHORN, William R.**, Route 5, Box 5538, Hermiston, Oregon, convicted on June 18, 1978, in the Umatilla County Circuit Court of Oregon.
- GOODFELLOW, William C.**, 1027 Princeton, Spokane, Washington, convicted on November 16, 1976, in the Superior Court of Spokane County, Washington.
- GOODRICH, Donald E.**, 730 Johnson Drive, Kerrville, Texas, convicted on June 26, 1973, in the Federal District Court, Tucson, Arizona.
- GOPLERUD, John B.**, 105 East First Street, Park Rapids, Minnesota, convicted on April 13, 1961, in the District Court of Hubbard County, Park Rapids, Minnesota.
- GORDON, Thomas L.**, 20421 Cherrylawn, Detroit, Michigan, convicted on February 11, 1938, in the Detroit Records Court, Detroit, Michigan.
- GOWIN, Paul W.**, 722 12th Street, Clarkston, Washington, convicted on August 7, 1964, in the Circuit Court, Lima County, Oregon; and on June 23, 1975, in the District Court of Clearwater County, Oregon.
- GRANT, Homer J.**, 200 Story Street, Lincoln, North Carolina, convicted on November 18, 1976; and on January 2, 1977, in the Superior Court of Lincoln County, North Carolina.
- GREGORY, Rogers L.**, Mill Hill, Northfield, Vermont, convicted on June 16, 1980, in the United States District Court, District of Vermont.
- GRIFFIN, Layne D.**, 5109 North 49th, Ruston, Washington, convicted on September 17, 1969, in the Superior Court of Pierce County, Washington.
- GRIFFITH, Alan R.**, 5669 North Lewis Road, Coleman, Michigan, convicted on August 25, 1966, in the Circuit Court of Clare County, Harrison, Michigan.
- CRIMES, Robert A.**, 12428 Woodhall Landing, Fenton, Michigan, convicted on July 18, 1978, in the United States District Court, Flint, Michigan.
- GROSTEFFON, Paul A.**, 3058 East Gordonville Road, Midland, Michigan, convicted on April 30, 1971; and on April 8, 1972, in the Circuit Court of Midland, Michigan.
- GRUNAS, Dominic V.**, 41525 Hanford, Canton, Michigan, convicted on December 2, 1971, in the Records Court, Detroit, Michigan.
- GURNEY, Hicklen A. Jr.**, P.O. Box 405, Black Hawk, South Dakota, convicted on April 23, 1962, in the Owens County Criminal Court, Indiana.
- HAAG, John R.**, 2351 North 11th Street, Springfield, Oregon, convicted on August 7, 1963, in the Criminal Court of Lane County, Oregon.
- HACKER, Gilbert L.**, 1110 4th, Dodge City, Kansas, convicted on September 8, 1978, in the Judicial District Number 26, City of Seward, Liberal, Kansas.
- HALE, Stephen L.**, P.O. Box 1421, Juneau, Alaska, convicted on October 21, 1974, in the Circuit Court of Walton County, Florida.
- HAMBLET, Darrell A.**, Route 5, Box 504, Hillsboro, Oregon, convicted on June 8, 1961, in the Circuit Court of Multnomah County, Oregon; and on September 14, 1970, in the Circuit Court of Marion County, Oregon.
- HAMILTON, Linwood F.**, 805 Wildwood Drive, Charleston, West Virginia, convicted on January 27, 1977, in the United States District Court, Charleston, West Virginia.
- HAMLETT, Walter H.**, 457 Flinthill Road, Bessemer, Alabama, convicted on September 16, 1975, in the United States District Court, Northern District of Florida, Pensacola, Florida.
- HANES, Donovan L.**, 7822 Plymouth LaPorte Trail, Plymouth, Indiana, convicted on May 7, 1962, in the Marshall County Circuit Court, Plymouth, Indiana.
- HANLEY, Gordon G.**, 66 Parkwood Lane, Hilton, New York, convicted in 1974, in the Monroe County Court, Rochester, New York.
- HANSEL, Ernest H.**, P.O. Box 325, Seligman, Arizona, convicted on November 12, 1959, in the Circuit Court of Pinellas County, Florida; and on September 9, 1968, in Circuit Court of Hillsborough County, Florida.
- HANSEN, Neil D.**, Rural Route 2, Box 316, Truman, Minnesota, convicted on May 3, 1974, in the Fifth Judicial District of Martin County, Minnesota.
- HARRELL, Lee R.**, 519 Woolridge Road, Hopkinsville, Kentucky, convicted on July 18, 1975, in the Christian County Circuit Court, Hopkinsville, Kentucky.

- HARRIS, Don A.**, Route 1, Box 410, Roaring River, North Carolina, convicted on November 18, 1963, in the United States District Court, Wilkesboro, North Carolina.
- HARRIS, William T.**, 304 King Street, Bay City, Michigan, convicted on March 2, 1973, in the Circuit Court, for the City of Bay County, Bay City, Michigan.
- HARTMANN, Willard H.**, 195 Edmund Avenue, Apartment 123, St. Paul, Minnesota, convicted on September 17, 1975; and on November 8, 1970, in the Second Judicial District, Ramsey County, Minnesota.
- HARVEY, Charles D.**, 221 Harrison Avenue, Avalon, Pennsylvania, convicted on January 29, 1979, in the United States District Court, Western District of Pennsylvania.
- HAYES, Jerry W.**, Route 1, Box 701, Bon Agun, Tennessee, convicted on April 20, 1973, in the 194th Judicial District Court of Dallas City, Dallas, Texas.
- HAYNES, Clyde R.**, 7003 Totten Beach Loop Road, Marysville, Washington, convicted on May 24, 1957, in the Superior Court of Snohomish County, Washington; and on December 19, 1968, in the District Court of Cass County, Minnesota.
- HEFFNER, Stanley P.**, 2129 South Xenophon Street, Lakewood, Colorado, convicted on October 9, 1964, in the Garfield County District Court, Garfield, Colorado.
- HELLIGSO, Danny R.**, Route 1, Box 828, Astoria, Oregon, convicted on January 26, 1976, in the Circuit Court of Clatsop County, Astoria, Oregon; and on March 4, 1974, in the United States District Court, Judicial District of Oregon.
- HENSLEY, Shelby J.**, 1007 West Main Street, Mesa, Arizona, convicted on December 29, 1976, in the United States District Court, Northern District of California.
- HEPBURN, Harvey W.**, East 2821 Brockdale Road, Shelton, Washington, convicted on March 31, 1976, in the Superior Court of Thurston County, Washington.
- HEPKER, Clifford A., Sr.**, Route 1, Box 159, Kahoka, Missouri, convicted on May 10, 1960, in the Circuit Court of Texas County, Missouri.
- HERREN, John H.**, 825 Second Avenue, Northeast, Fayette, Alabama, convicted on September 23, 1976, in the Northern District of Alabama.
- HETBERG, Merco F.**, 3414 Glen Arm Drive, West, Indianapolis, Indiana, convicted on November 24, 1976, in the Superior Court Number 1, Monroe County, Indiana.
- HILL, Donald F.**, 4458 West St. Louis Street, Wichita, Kansas, convicted on September 26, 1973, in the United States District Court, Wichita, Kansas.
- HILL, James F.**, 6236 Carpenter Street, Philadelphia, Pennsylvania, convicted in December 1971, in the Philadelphia Municipal Court, Pennsylvania.
- HINES, Ernest**, 2923 Edwards Street, Winston-Salem, North Carolina, convicted on September 25, 1970, in the Superior Court of Burlington County, New York.
- HOGAN, Scott R.**, 7025 41st Street, Vero Beach, Florida, convicted on April 21, 1967, in the Circuit Court of Indian River County, Florida; and on July 6, 1967, in the Circuit Court of Brevard County, Florida.
- HOLDEN, Lyle A.**, 1929 North Grandview Lane, Bismark, North Dakota, convicted on May 8, 1978, in the United States Federal District Court, Bismark, North Dakota.
- HOLLEN, Edward A.**, Rural Delivery Number 2, Cochran, Pennsylvania, convicted on May 6, 1963, in the Court of Quarter Sessions, Crawford County, Pennsylvania; and on January 23, 1967, in the Criminal Court of Cs City, North Dakota.
- HOLLENBECK, Donald A.**, P.O. Box 163, Trail City, South Dakota, convicted on April 19, 1973, in the Circuit Court, Sixth Judicial District, Walworth City, South Dakota.
- HOLMES, Betram A., Jr.**, 23 Brookside Drive, Smithtown, New York, convicted on May 15, 1974, in the County Court of Suffolk County, New York.
- HONEYCUTT, David W.**, Lanecrest Drive, Midland, North Carolina, convicted on April 1, 1977, in the Superior Court, County of Union, North Carolina.
- HOOTEN, William C.**, 418 Morgan Avenue, South, Minneapolis, Minnesota, convicted on April 3, 1970; and on October 1, 1970, in the Hennepin County District Court, Hennepin, Minnesota.
- HOOTS, Garry J.**, Route 3, Box 25, Yadkinville, North Carolina, convicted on July 5, 1977, in the United States District Court, Winston-Salem, North Carolina.
- HOWELL, Michael R.**, Route 2, Box 302, Vinton, Virginia, convicted on April 3, 1973, in the Circuit Court of Bedford County, Bedford, Virginia.
- HUNTER, Josephine S.**, P.O. Box 245, LaPush, Washington, convicted on March 9, 1959, in the United States District Court, Western District of Washington.
- HUNTER, Willis M.**, 2546 West Page Street, Philadelphia, Pennsylvania, convicted on May 19, 1949, in the Court of Oyer and Terminer, General Jail Delivery, Court of Philadelphia; and on July 24, 1952, in the United States District Court, Philadelphia, Pennsylvania.
- HUTTON, Mark H.**, 14028 Lower Edgemond Road, Waynesboro, Pennsylvania, convicted on December 1, 1978, in the 39th Judicial District Court of Common Pleas of Franklin County, Chambersburg, Pennsylvania.
- ICKES, Roger L.**, Rural Delivery 3, Box 136, Newville, convicted on September 12, 1974, in the Cumberland County Court of Pennsylvania.
- INGRAM, Foster**, Route 1, Box 414, Hamlet, North Carolina, convicted on March 8, 1976, in the United States District Court, Rockingham, North Carolina.
- ISELL, Boise S.**, P.O. Box 175, Red Bay, Alabama, convicted on September 10, 1971, in the United States District Court, Northern District of Mississippi, Eastern Division, Aberdeen, Mississippi.
- IVEY, Patrick W.**, 4826 Michael, Houston, Texas, convicted on June 9, 1977, in the 182nd District Court of Harris County, Texas.
- JACOBSON, Gordon L.**, 179 Ball Park Drive, Kelso, Washington, convicted on December 8, 1974, in the Superior Court of Cowlitz County, Washington.
- JACOBSON, Karl A.**, 6819 Pacific Avenue, Apartment 22, Tacoma, Washington, convicted on March 27, 1979, in the Superior Court of Pierce County, Washington.
- JACOBSON, Richard O.**, Route 6, Box 188, Brainerd, Minnesota, convicted on December 19, 1980, in the United States District Court, District of Minnesota.
- JAKUBEC, James D.**, 1932 Emerson Avenue, South, Apartment 5, Minneapolis, Minnesota, convicted on July 30, 1963, in the Hennepin County Court, Fourth Judicial District, Minneapolis, Minnesota.
- JEFFRIES, David K.**, 2400 Southside Boulevard, Apartment 13, Beaufort, South Carolina, convicted on October 26, 1978, in the Jasper County, South Carolina Court of General Sessions, Ridgeland, South Carolina.
- JEFFREY, Michael R.**, 508 1st Avenue, East, Williston, North Dakota, convicted on November 16, 1970, in the Fifth Judicial District Court, William's City, North Dakota.
- JOHNSON, Calvin S.**, Route 1, Box 254, Union Grove, North Carolina, convicted on May 18, 1948, in the United States District Court, Wilkesboro, North Carolina; and on May 5, 1949, in the United States District Court, Shelby, North Carolina.
- JOHNSON, Mark D.**, 2035 40th Avenue, Longview, Washington, convicted on July 18, 1977, in the Superior Court of Pierce County, Washington.
- JOHNSON, Mark L.**, 1530 East St. Germain Street, Apartment 107, St. Cloud, Minnesota, convicted on February 3, 1976, in the Sixth Judicial District Court of Lake County, Minnesota.
- JOHNSON, Oliver G.**, Route 3, Box 160-B, Hamptonville, North Carolina, convicted on March 21, 1975, in the Wilkes City Superior Court, Wilkesboro, North Carolina.
- JOHNSON, William R.**, Box 150, Armory Road, North Wilkesboro, North Carolina, convicted on November 28, 1939; November 15, 1943; November 28, 1945; and on December 9, 1959, in the United States District Court, Wilkesboro, North Carolina.
- JONES, Bradley H.**, Rural Route 1, Barrett, Minnesota, convicted on January 4, 1978, in the First Judicial District of Scott County, Shakopee, Minnesota.
- JONES, Chester L. III.**, 665 Morning Road, Fayetteville, Georgia, convicted on January 11, 1980, in the Superior Court of Fayette County, Georgia.
- JONES, Dan L.**, 3081 Boxdale, Memphis, Tennessee, convicted on December 9, 1977; and on May 19, 1978, in the United States District Court, Memphis, Tennessee.
- JONES, Hoyt D.**, Route 4, Box 313-A, Farmville, Virginia, convicted on September 12, 1975, in the Circuit Court of Charlotte County, Virginia.
- JONES, James R.**, 3014 Division Street, Vancouver, Washington, convicted on December 19, 1973, in the Superior Court of Clark County, Washington.
- JONES, Joseph C.**, Route 1, Box 86, Bloomington, Wisconsin, convicted on August 8, 1975, in the Grant County Circuit Court, Wisconsin.
- JONES, William F.**, 2704 Talbut Street, Philadelphia, Pennsylvania, convicted on

- April 21, 1978, in the United States District Court, Eastern District of Pennsylvania.
- JOSHLIN, Ernest F.**, 5928 Yarborough Road, Shreveport, Louisiana, convicted on May 4, 1973, in the United States District Court, Shreveport, Louisiana.
- JURRAS, Cheryl L.**, 6 Bluebird Drive, Colchester, Vermont, convicted on November 3, 1969, in the Vermont District Court, Orange County Circuit, Chelsea, Vermont.
- KAROTKO, David A.**, 2120 Woodlawn Avenue, Erie, Pennsylvania, convicted on May 24, 1974, in the United States District Court, Pittsburgh, Pennsylvania.
- KATEZ, John W.**, 10313 Big Feather Trail, Jacksonville, Florida, convicted on July 8, 1971, in the Circuit Court, Alachua City, Florida.
- KELLY, Malcolm C.**, 3831 Harvest Court, Portsmouth, Virginia, convicted on August 4, 1971, in the Circuit Court, Portsmouth City, Portsmouth, Virginia.
- KENNEDY, Robert A.**, Rural Delivery 8, Black Creek Road, Oswego, New York, convicted in January 1979, in the United States District Court, Northern District, Syracuse, New York; and on December 11, 1978, in the United States District Court, Northern District of New York.
- KERTSON, Robert D.**, 13202 Bitter Place, North, Seattle, Washington, convicted on March 12, 1976, in the Superior Court of Pima County, Arizona.
- KIRKLAND, David A.**, 26 South 11th Street, Kansas City, Kansas, convicted on July 17, 1970, in the Johnson City Kansas District Court, Olathe, Kansas.
- KITE, Lynne M.**, 2636 Cascade Place, West, Apartment F, Tacoma, Washington, convicted on October 23, 1967, in the United States District Court, Western District of Washington.
- KJAR, David P.**, 4026 Ronney Drive, Corpus Christi, Texas, convicted on June 3, 1963, in the General Court Martial, Randolph Air Force Base, Texas.
- KLIER, Thomas L.**, 1362 Southview Drive, Indianapolis, Indiana, convicted on April 10, 1975, in the Marion County Criminal Court, Indianapolis, Indiana.
- KLING, Charles H.**, P.O. Box 105, Farmington, Illinois, convicted on March 21, 1950; and in September 1950, in the Knox County Illinois Circuit Court, Galesburg, Illinois.
- KLINGENBERG, Robert J.**, 420 Lakewood Circle, Virginia Beach, Virginia, convicted on December 3, 1954, in the United States District Court, Newark, New Jersey.
- KNAUS, Andrew H. Jr.**, 1009 Richard Street, Gretna, Louisiana, convicted on April 11, 1979, in the United States District Court, Eastern Judicial District, New Orleans, Louisiana.
- KNOUSE, James**, 1521 Beaver Road, Ambridge, Pennsylvania, convicted on August 24, 1977, in the Court of Common Pleas of Beaver County, Pennsylvania.
- KOTSCHAU, Richard V.**, 110 Parkside Drive, Levittown, New York, convicted on February 27, 1969, in the United States District Court, Eastern District of New York.
- KROHN, Charles L.**, 237 Columbia Avenue, Horsham, Pennsylvania, convicted on October 30, 1975, in the Municipal Court of Philadelphia, Pennsylvania.
- KUNESH, Ronald**, Rural Route 2, Onamia, Minnesota, convicted on October 27, 1978, in the Benton County Court, Foley, Minnesota.
- LADELLA, Noble D.**, 4005 Grand Boulevard, East Chicago Indiana, convicted on December 15, 1972, in the United States District Court, Hammond, Indiana.
- LAMELA, Felice**, North Young Avenue, Marlboro, New York, convicted on July 26, 1973, in the United States District Court, Southern District of New York, New York.
- LANG, John C.**, 123 South 5 Mile, Midland, Michigan, convicted on November 23, 1960, in the Circuit Court for Wayne County Michigan.
- LANE, David Keith**, 2202 Grand Avenue, Joplin, Missouri, convicted on May 20, 1974, in the Circuit Court of Newton County, Missouri.
- LANE, Richard W.**, 109 Carlyle Circle, Palm Harbour, Florida, convicted on March 17, 1978, in the United States District Court, Tampa, Florida.
- LAROCHE, Ted W.**, 1724 Queenswood, Drive, Apartment 11, Findlay, Ohio, convicted on September 9, 1971, in the Common Pleas Court of Wood County, Ohio.
- LARUE, Warren W.**, Route 2, Raywick Kentucky, convicted on July 28, 1972, in the Warren County Circuit Court, Bowling Green, Kentucky.
- LARSON, Michael D.**, 733 East 650 North, Bountiful, Utah, convicted on June 3, 1977, in the United States District Court, Central Division, Salt Lake City, Utah.
- LAURSEN, David H.**, 4453 Sunset Way, Longview, Washington, convicted on September 3, 1974, in the Superior Court of Cowlitz County, Washington.
- LAYE, James L.**, 2775 Lincoln Way West, Chambersburg, Pennsylvania, convicted on March 20, 1974, in the Franklin County Court, Chambersburg, Pennsylvania.
- LAYMAN, Gary L.**, 2345 Harrod Street, Ashland, Kentucky, convicted on March 31, 1971, in the Madison County Circuit Court, Richmond, Kentucky.
- LEE, Glen D.**, 2009 40th Street, Lubbock, Texas, convicted on August 22, 1977, in the 106th Judicial District Court of Gaines County, Texas.
- LEFFEW, Larry D.**, Rural Route 6, Box 51, Danville, Indiana, convicted on July 14, 1974, in the Morgan County Superior Court, Martinsville, Indiana.
- LIPKINS, Shelly Jr.**, 9753 North Martindale, Apartment C-5, Detroit, Michigan, convicted on June 27, 1967, in the Recorders Court, Detroit, Michigan.
- LLOYD, John P.**, 8109 Attleboro Drive, Jonesboro, Georgia, convicted on August 16, 1974, in the Clayton County Court, of Georgia.
- LOERKE, Darrell E.**, 405 Drury Lane, LeGrand, Iowa, convicted on December 19, 1958, in the Fourteenth Judicial District of Iowa, Humboldt County, Dakota City, Iowa.
- LONG, Douglas M.**, 14916 North 13th Lane, Loxahatchee, Florida, convicted on September 10, 1971, in the Criminal Court, Dale County, Florida.
- LONG, John W.**, 17224 191st Street, Northeast, Woodinville, Washington, convicted on May 11, 1976, in the Superior Court, County of Spokane, Washington; and on November 3, 1980, in the Superior Court, County of Benton, Richland, Washington.
- LORIDANS, Heri**, 1930 Wildwood Drive, Haughton, Louisiana, convicted in December 1970, in the United States District Court, New Orleans, Louisiana.
- LOWDER, Donald H.**, 488 East 6th Street, Wendell, Idaho, convicted on May 26, 1972; July 16, 1973; and on May 7, 1977, in the District Court, Fifth Judicial District of Idaho.
- LOWDERMILK, Richard F.**, Route 1, Box 188, Capron, Virginia, convicted on April 14, 1978, in the United States District Court, Eastern District of Virginia.
- LOWERS, Dorsey D.**, P.O. Box 793, Middleburg, Virginia, convicted on October 24, 1972, in the United States District Court, Northern Judicial District of Ohio, Eastern Division; and on January 22, 1974, in the Court of Common Pleas of Summit County, Ohio.
- LYNDE, Curtis J.**, Rural Route 1, Box 149, Glyndon, Minnesota, convicted on June 18, 1980, in the Clay County Circuit Court, Minnesota.
- LYNN, Larry W.**, Route 2, Box 15-C, Lindale, Texas, convicted on November 17, 1972, in the 196th Judicial District of Texas, Dallas, Texas.
- MAKI, Larry R.**, P.O. Box 253, Coleraine, Minnesota, convicted on October 24, 1977, in the Ninth Judicial District Court of Itasca County, Minnesota.
- MAHAFFEY, Stephen E.**, 380 Glendale Drive, Apartment 1, Winston-Salem, North Carolina, convicted on August 4, 1980, in the Superior Court, Winston-Salem, North Carolina.
- MALITZ, David M.**, Route 3, Box 471, Pulcifer, Wisconsin, convicted on September 15, 1976, in the Milwaukee County Circuit Court, Wisconsin.
- MANDESE, Joseph M.**, 2826 Samara Drive, Tampa, Florida, convicted on July 26, 1974, in the United States District Court, Middle District Court of Tampa, Florida.
- MANGONE, Sharon A.**, 7138 Leader, Houston, Texas, convicted on November 4, 1976, in the Criminal District Court, Number 208, Harris Co.
- MARTIN, Edward E.**, 228 South Roanoke Avenue, Youngstown, Ohio, convicted on January 4, 1980, in the United States District Court, Northern District of Ohio, Eastern Division.
- MARTIN, James E.**, 1209 South Pruett, Baytown, Texas, convicted on December 18, 1978, in the 189th District Court, of Harris County, Houston, Texas.
- MARTIN, Michael E.**, Route 1, Box 221, Norway, Maine, convicted on August 28, 1972, in the Cumberland County Superior Court of Maine.
- MARX, Henry**, 6130 Lavendale, Dallas, Texas, convicted on January 16, 1981, in the District Court of Northern, Texas.
- MCCARTY, Joseph T.**, 1808 South 12th Street, Sheboygan, Wisconsin, convicted on May 5, 1975, in Sheboygan County, Branch II, Sheboygan, Wisconsin.
- MCCLURE, George W. Jr.**, 1205 High Street, Bremerton, Washington, convicted on April

- 17, 1980, in the Superior Court of Kitsap County, Washington.
- MCCORMICK, Steven A. Sr.**, Route 3, Box 328-D, Mullins, South Carolina, convicted on September 12, 1979, in the Court of General Sessions of Marion County, South Carolina.
- MCCULLOUGH, James M.**, 3242 Northwest 65th Avenue, Seattle, Washington, convicted on April 1, 1974, in the United States District Court, Southern District of California.
- MCEACHERN, Robert N.**, Route 3, Box 3029, Grandview, Washington, convicted on February 25, 1969, in the Superior Court of Yakima County, Washington.
- MCFARLAND, Robert W.**, P.O. Box 30, Malaga, Washington, convicted on November 11, 1977, in the Superior Court of Chelan County, Washington.
- MCKAY, Calvin C.**, 14856 Stout Street, Detroit, Michigan, convicted on May 6, 1947, in the Circuit Court of St. Clair County, Michigan.
- MCKEAN, John G.**, 4134 1/2 Eagle Rock Boulevard, Los Angeles, California, convicted April 26, 1967, in the Superior Court, San Francisco.
- MCNEAL, Wayne F.**, 2487 Navajo Trail Southwest, Atlanta, Georgia, convicted on January 14, 1970, in the Superior Court of Fulton County, Georgia.
- MEYER, William W.**, 426 South Fifth, Douglas, Wyoming, convicted on September 20, 1965, in the Seventh Judicial District Court of Converse City, Wyoming.
- MEYERS, Grant O.**, 909 Jenny Street, Garden City, Kansas, convicted on July 16, 1979, in the District Court, Kearney City, Kansas.
- MILAM, Wallace P.**, 2192 Hickory Crest, Memphis, Tennessee, convicted on July 31, 1975, in the District Court, Oxford, Mississippi.
- MILLER, Charles D.**, 723 Allens Creek Road, Waynesville, North Carolina, convicted on May 19, 1962, United States District Court, Asheville, North Carolina.
- MILLET, Lester J. Jr.**, Post Office Box 246, La Place, Louisiana, convicted on September 23, 1976, in the United States District Court, Eastern District of Louisiana.
- MILLS, Jim M.**, Route 1, Beech Bluff, Tennessee, convicted on September 27, 1960, in the United States District Court, Jackson, Tennessee.
- MILLSAP, Mark R.**, North 2208 Locust, Spokane, Washington, convicted on March 21, 1977, in the District Court, First Judicial District of Bonner County, Idaho.
- MILWEE, Donald C.**, 1870 Neptune Road, Kissimmee, Florida, convicted on May 16, 1973, in the Orange County Circuit Court, Orlando, Florida.
- MINTCH, William L.**, Donque Street, Saint Regis Falls, New York, convicted on October 25, 1978, in the Franklin County Supreme Court, Malone, New York.
- MINTER, Charles J.**, Route 1, Box 238, Dallas, Texas, convicted on July 24, 1979, in the Fifth Criminal District Court, Dallas, Texas.
- MONTGOMERY, Joseph L. Jr.**, Route 8, Box 322, Northport, Alabama, convicted on October 15, 1963; and on May 3, 1965, in the Tuscaloosa County Circuit Court, Tuscaloosa, Alabama.
- MOODY, Samuel A.**, P.O. Box 909, 1020 Caples, Woodland, Washington, convicted on May 9, 1958, in the Superior Court of Cowlitz County, Washington.
- MOORE, Richard**, 106-10 32nd Avenue, East Elmhurst, New York, convicted on December 8, 1966, in the Court of Common Pleas, Cleveland, Ohio.
- MORAN, Jonathan K.**, 224 Pelise Avenue, Orange, Virginia, convicted on December 9, 1969, in the Corporation Court, Alexandria, Virginia.
- MORGAN, James O.**, P.O. Box 158, Cross Anchor, South Carolina, convicted in 1956, in the Laurens County Court of General Sessions of South Carolina.
- MORRIS, John R.**, P.O. Box 31, Marksville, Louisiana, convicted on November 9, 1973, in the 19th Judicial District Court, Parish of Eastern Baton Rouge, Louisiana.
- MORROW, James C.**, Route 1, Box 85, Lineville, Alabama, convicted on September 14, 1979, in the United States District Court, Montgomery, Alabama.
- MULLINS, Donald R.**, 777 Southwest Sixth Terrace, Florida, convicted on May 16, 1960, in the Criminal Court of Dade County, Florida.
- MUSTARI, Louis F.**, 634 West 32nd Street, Chicago, Illinois, convicted on October 20, 1977, in the Chicago Court Number 48, Chicago, Illinois.
- MUSTACCHIO, James L.**, 120 Ingram Avenue, Southwest, Canton, Ohio, convicted on June 11, 1963, in the Common Pleas Court of Ohio.
- MYERS, David C.**, 2902 South 13th Road, Arlington, Virginia, convicted on September 15, 1976, in the Court of Common Pleas, Jefferson County, Pennsylvania.
- NAJARIAN, Jacob H.**, 14948 Keppen, Allen Park, Michigan, convicted on October 23, 1975, in the United States District Court, Eastern District of Detroit, Michigan.
- NANNENGA, Charles E.**, 143 16th Northwest, Mason City, Iowa, convicted on June 20, 1972, in the Gerro Gordo County Court of Mason City, Iowa.
- NAVARRO, Paul F.**, 23155 North Rosedale Court, St. Clair Shores, Michigan, convicted on May 23, 1979, in the United States District Court of Eastern, Michigan.
- NELSON, Clarence R. Jr.**, Rural Route 3, Boone, Iowa, convicted in May 1979, in the United States District Court, Des Moines, Iowa.
- NEWMAN, Barbara Ann**, Route 1, Box 44, Kellogg, Minnesota, convicted on June 9, 1980, in the Third Judicial District Court, Wabasha, Minnesota.
- NEWMAN, Kevin S.**, Route 3, Box 118, Dobson, North Carolina, convicted on January 7, 1980, in the Superior Court, Dobson, North Carolina.
- NEWTON, Billy J.**, 109 Nakoma Drive, Birmingham, Alabama, convicted on October 20, 1971, in the Tenth Judicial Circuit of Alabama, Jefferson City, Birmingham, Alabama; and on April 2, 1965, in the 36th Judicial District of Alabama, Lawrence County, Moulton, Alabama.
- NILES, Harry E.**, 25 St. Andrews Circle, Broken Arrow, Oklahoma, convicted on March 7, 1977, in the United States District Court, Dallas, Texas.
- NOBLES, James F.**, 1061 Reon Drive, Virginia Beach, Virginia, convicted on March 7, 1957, in the Corporation Court, Part 2, Norfolk, Virginia.
- NORRIS, William E.**, 610 West Riverview Drive, Sparks, Nevada, convicted on May 17, 1950, in the Superior Court of Tulare County, California.
- NOTT, George A.**, 3325 Sterling Road, Omer, Michigan, convicted on April 7, 1977, in the Circuit Court of Arenac County, Standish, Michigan.
- O'BRIEN, Daniel H.**, 422 Northgate Apartments, North Avenue, Burlington, Vermont, convicted on March 2, 1977, in the Vermont District Court, Burlington, Vermont.
- O'CONNER, Daniel F.**, 79 Great Neck Road, Wareham, Massachusetts, convicted on May 22, 1959, in the Fourth District Court, Plymouth County, Massachusetts.
- ODOM, William T.**, 5659 Fairmont Road, Montgomery, Alabama, convicted on December 5, 1977; and on March 8, 1973, in the United States District Court, Eastern District of Spokane, Washington.
- OLIVER, Deborah D.**, 541 New Castle Street, Apartment 3, Butler, Pennsylvania, convicted on March 29, 1977; and on April 3, 1979, in the Allegheny County Court, Pittsburgh, Pennsylvania.
- OLLERTON, Gerald L.**, 95 North 1360 East, Springville, Utah, convicted on June 20, 1980, in the District Court, Fourth Judicial District of Utah.
- OLSEN, Michael N.**, 1730 Sheridan, Port Townsend, Washington, convicted on April 30, 1976, in the Superior Court of Jefferson County, Washington.
- OLSON, Leonard A.**, 5040 Shady Island Circle, Morind, Minnesota, convicted on May 6, 1977, in the United States District Court, Fourth Division, Minneapolis, Minnesota.
- ORTTEL, Steven D.**, 24042 Dogwood Street, Northwest, Bethel, Minnesota, convicted on May 12, 1975, in the Anoka County District Court of Minnesota.
- OWENS, Dean C.**, P.O. Box 163, Heber, Arizona, convicted on October 18, 1976, in the United States District Court, Phoenix, Arizona.
- PADILLA, Gilbert M.**, Space 26, El Maquay Mobile Home Park, P.O. Box 159, Miami, Arizona, convicted on September 10, 1965, in the Superior Court of Gila County, Globe, Arizona.
- PAGE, Gregory S.**, 2510 Mosswood Way, Bowling Green, Kentucky, convicted on April 24, 1975, in the Warren County Circuit Court, Bowling Green, Kentucky.
- PARKER, Dewey J.**, 314 Noel Avenue, Frankfort, Kentucky, convicted on June 10, 1970; April 17, 1971; and on March 9, 1979, in the Grayson County Circuit Court, Leitchfield, Kentucky.
- PARRIS, Daniel J.**, 1235 Pond Street, Cary, North Carolina, convicted on December 13, 1976, in the Superior Court of Wake County, North Carolina.
- PARTEN, Richard A.**, 3199 Ilene Lane, Levittown, New York, convicted on October 1, 1971, in the Supreme Court of Queen County, New York.
- PATTERSON, Henry**, 1161 Windrim Avenue, Philadelphia, Pennsylvania, convicted in

- December 1938, in West Palm Beach Florida.
- PAYTON, Robert E.**, 209 South Pine, Norfolk, Nebraska, convicted on July 13, 1979, in the District Court of Madison County, Nebraska.
- PEDANO, Frank J. Jr.**, 1945 Fitzgerald Street, Philadelphia, Pennsylvania, convicted on October 14, 1971, in the United States District Court, Southern Division of New Jersey.
- PELZEL, Steven M.**, Route 2, P.O. Box 205, Sleepy Eye, Minnesota, convicted on September 8, 1980, in the Brown County District Court, New Ulm, Minnesota.
- PENNINGTON, Leonard F.**, Route 5, Box 218, Lexington, Virginia, convicted on November 29, 1978, in the United States District Court, Roanoke, Virginia.
- PERKINS, Calvin M.**, 10-B Roy Drive, Monroe, Louisiana, convicted on February 15, 1974, in the United States District Court, Shreveport, Louisiana.
- PERRY, Wiley J.**, Route 5, Box 825, Natchitoches, Louisiana, convicted on April 11, 1956, in the District Court, Neosho County, Kansas.
- PFAU, William H. Jr.**, 52 Old Farm Road, Levittown, New York, convicted on October 6, 1944, in the Somerset County Superior Court of New York.
- PHIELSCHIEFTER, Teresa D.**, 6117 Gulf Freeway, Apartment 374, Houston, Texas, convicted on October 17, 1978, in the 228th District Court of Harris County, Texas.
- PHIPPS, Burrow S.**, 926 Polk Street, Vicksburg, Mississippi, convicted on July 21, 1975, in the Court of DuVal County, Florida; and on July 21, 1975, in the Circuit Court of Clay County, Florida.
- PIERCE, Karen Q.**, P.O. Box 204, Coin Jock, North Carolina, convicted on June 11, 1980, in the Superior Court of Currituck County, North Carolina.
- PIERCE, Mack M.**, P.O. Box 204, Coin Jock, North Carolina, convicted on June 18, 1980, in the Superior Court of Currituck County, North Carolina.
- PIERSON, Paul W. Jr.**, 1410 East Fourth Street, Lima, Ohio, convicted on April 20, 1959, in the Court of Common Pleas of Auglaize County, Ohio.
- PILOT, Roger Ray.**, 5376 Stiffler Road, Flint, Michigan, convicted on May 7, 1968, in the Genesee Circuit Court, Flint, Michigan; and on July 26, 1972, in the Shiawassee Circuit Court, Corunna, Michigan.
- PINTLER, Richard A.**, 5694 North Street, Highway 20, Oak Harbor, Washington, convicted on August 10, 1978, in the Superior Court of Island County, Washington.
- PITZELE, Robert J.**, P.O. Box 139, Badger, California, convicted on August 5, 1969, in the Superior Court, County of Los Angeles, California.
- PONDER, Robert L.**, 2903 Diana Drive, Southwest, Atlanta, Georgia, convicted on June 9, 1960, in the Superior Court of DeKalb County, Georgia.
- POOLE, Marvin R.**, 5314 Cemetery Road, Grovetown, Georgia, convicted on January 14, 1970, in the Richmond County Superior Court, Augusta, Georgia.
- PORTER, Edward J.**, 2418 Morgan, Irving, Texas, convicted on February 22, 1972, in the 147th Judicial District Court of Travis County, Texas.
- POSPISIL, Richard W.**, 7260 Southwest Philomaton Boulevard, Corvallis, Oregon, convicted on June 28, 1974, in the General Court Martial, Fort Campbell, Kentucky.
- PREDIEU, Roy A.**, 1501 Pierce Street, Lynchburg, Virginia, convicted on September 9, 1976, in the Lynchburg Circuit Court, Lynchburg, Virginia.
- PRESLEY, Charles R.**, 9216 Forts Lake Road, Pascagoula, Mississippi, convicted on November 10, 1971, in the United States District Court, Southern District of Mississippi, Biloxi, Mississippi.
- PRESTON, Paul H.**, 625 Union Street, Chatfield, Minnesota, convicted on May 17, 1979, in the Olmsted County District Court, Rochester, Minnesota.
- QUINN, Roy M.**, Route 3, Box 294, Ferrum, Virginia, convicted on March 20, 1946, in the Circuit Court of Halifax County, Halifax, Virginia.
- RAMIREZ, Joe.**, 187 East Solano Street, Corning, California, convicted on October 3, 1974, in the United States District Court, Eastern Judicial District of California.
- RAMSEY, Wayne E.**, Route 1, Box 11, Nathalie, Virginia, convicted on January 16, 1964, in the Circuit Court of Campbell County, Virginia; and on January 28, 1964, in the Circuit Court of Halifax County, Virginia.
- RANCOUR, Steven L.**, 3614 Thomas Avenue, North, Minneapolis, Minnesota, convicted on November 9, 1973, in the Hennepin County Court, Minneapolis, Minnesota.
- REDFORD, Gary L.**, 271 Beech Street, Longview, Washington, convicted on December 17, 1970, in the Superior Court of Cowlitz County, Washington.
- REEVES, Jerry.**, Rural Route 2, Box 8-B, Wheatfield, Indiana, convicted on December 21, 1955; and on March 29, 1957, in the Lake County Criminal Court, Crown Point, Indiana.
- RICHARDSON, John A.**, 11345 Bache or Valley Road, Witter Springs, California, convicted on May 16, 1977, in the District Court of San Diego, California.
- RICHSIN, Jerry G.**, 3400 Meadow Oak, Fort Worth, Texas, convicted on April 21, 1954, in the Tarrant County Criminal District Court of Tarrant County, Texas.
- RICKERSON, Robert L.**, Rural Route 3, Box 207-C, Augusta, Kansas, convicted on December 23, 1976, in the District Court of Lynn County, Kansas.
- RISE, David W.**, 913 South Spruce, Casper, Wyoming, convicted in February 1980, in the Military Court, Fort Gordon, Georgia.
- ROBBINS, Zebulun V.**, 809 West Main, Space 405, Battle Ground, Washington, convicted on June 22, 1973, in the Circuit Court of Washington County, Oregon.
- ROBEL, David W.**, 7708 205th Place, Southwest, Edmonds, Washington, convicted on September 29, 1977, in the Superior Court of King County, Washington.
- ROBERTSON, Robert W.**, 26730 31st Avenue, Northeast, Arlington, Washington, convicted on July 12, 1976, in the Superior Court of Snohomish County, Washington.
- ROBINSON, Curtis E.**, 1102 Bridge Street, Charlevoix, Michigan, convicted on October 21, 1977, in the Circuit Court, Grand Traverse County, Michigan.
- RODGERS, Harry W., III.**, Gooseneck Road, Royal Oak, Maryland, convicted on August 23, 1977, in the United States Federal Court, Baltimore, Maryland.
- RODGERS, William A.**, 9120 West Lake Avenue, Baltimore, Maryland, convicted on August 23, 1977, in the United States District Court, Baltimore, Maryland.
- ROETHE, Leo W.**, 1218 Sherman Avenue, Fort Atkinson, Wisconsin, convicted on April 4, 1977, in the United States District Court, Eastern District of Wisconsin.
- ROMPOLA, Mitchell R.**, 3109 Townline Road, Traverse City, Michigan, convicted on April 18, 1980, in the United States District Court, Grand Rapids, Michigan.
- ROOP, Ronald B., Sr.**, 8650 Acorn, Alto, Michigan, convicted in December 1958, in the Dona Ana District Court, Las Cruces, New Mexico; and in July 1961, in the Kent County Superior Court, Grand Rapids, Michigan.
- ROSENBERG, Julius.**, 9230 Darlington Road, Philadelphia, Pennsylvania, convicted in December 1944, in Philadelphia, Pennsylvania.
- ROSKE, Edward E.**, 8821 Southeast Lambert, Portland, Oregon, convicted on March 2, 1953, in the Circuit Court of Lima County, Oregon.
- ROSPLOCH, Charles A., Jr.**, Route 63, Hinsdale, New Hampshire, convicted in July 1979, in the Federal District Court, Concord, New Hampshire.
- RUMERY, Richard D.**, 347 North Platte Street, Omaha, Nebraska, convicted on January 17, 1978, in the District Court of Dawson County, Nebraska.
- RUSSELL, Mark W.**, Rural Route 2, P.O. Box 226, Dawson Springs, Kentucky, convicted on March 18, 1975, in the Hopkins County Circuit Court, Madisonville, Kentucky.
- SARFF, Lawrence R.**, 5344 37th Avenue, South, Minneapolis, Minnesota, convicted on June 23, 1959, in the Hennepin County Court, Minneapolis, Minnesota.
- SARISKY, Albert J.**, 390 West 14th Street, Apartment 10, Idaho Falls, Idaho, convicted on May 23, 1977, in the United States District Court, Boise, Idaho.
- SAUNDERS, Robert M. Jr.**, 6705 River Road, Richmond, Virginia, convicted on May 7, 1979, in the United States District Court, District of West Virginia, Charleston, West Virginia.
- SAUNDERS, Stephen R.**, 211 Shadywood Drive, Newport News, Virginia, convicted on October 10, 1975, in the United States District Court, Alexandria, Virginia.
- SAVAGE, Thomas M.**, RFD 1, Box 314, Piney Island, Chincoteague, Virginia, convicted on August 8, 1977, in Accomack County Court, Virginia.
- SCHEILE, Mark G.**, 5316 61st Street, Sacramento, California, convicted on June 14, 1978, in the District Court, Fourth Judicial District of Montana.
- SCHNEIDER, John R.**, 60 Salem Road, Schwenksville, Pennsylvania, convicted on October 10, 1979, in the Montgomery County Court, Norristown, Pennsylvania.
- SCHOEN, John L.**, 2341 Whitehall Road, State College, Pennsylvania, convicted on June 5,

- 1951, in the Court of Quarter Sessions of Delaware County, Pennsylvania.
- SCOTT, Jerry P.**, 6952 McKinley, Tacoma, Washington, convicted on June 12, 1963, in the Superior Court of Pierce County, Washington.
- SCOTT, Richard L.**, 520 30th Street, Newport News, Virginia, convicted on May 5, 1980, in the United States District Court, Hampton, Virginia.
- SEITZ, Vernon E.**, Post Office Box 40, Coldspring, Texas, convicted on November 30, 1962, in the Criminal District Court of Harris County, Texas.
- SELLARS, David E.**, 18655 Southeast Yamhill Circle, Portland, Oregon, convicted on November 6, 1964, in the Circuit Court of Multnomah County, Oregon.
- SHEETS, Redford L.**, Route 2, Wilbar, North Carolina, convicted on November 20, 1962; and on March 25, 1944, in the United States District Court, Wilkesboro, North Carolina.
- SICKINGER, William E.**, 800 Lark Circle, Mechanicsville, Virginia, convicted on January 24, 1954, in the Circuit Court, Richmond, Virginia.
- SIMPSON, Eldon**, 110 South 200 East, Lehi, Utah, convicted on June 6, 1980, in the Fourth Judicial District Court of Utah County, Utah.
- SIMPSON, Robert E.**, Route 14, Box 163, Plum Spring Road, Bowling Green, Kentucky, convicted on March 14, 1972, in the Warren County Circuit Court, Bowling Green, Kentucky.
- SIMS, Kenneth D.**, 402 West Avenue, Apartment L, Lovington, New Mexico, convicted on May 16, 1978, in the 23rd Judicial District Court of Brazoria County, Texas.
- SIRES, Eva P.**, Route 1, Box 88, Powers Road, Rosalia, Washington, convicted on December 21, 1976, in the Superior Court, Spokane, Washington.
- SIZEMORE, Harry L.**, Route 3, Box 212, Attalla, Alabama, convicted on October 21, 1977, in the United States District Court, Northern District of Alabama, Birmingham, Alabama.
- SKELTON, Lewis L.**, 5809 Northeast 6th Avenue, Vancouver, Washington, convicted on June 10, 1977, in the Superior Court of Clark County, Washington.
- SKINNER, Vincent J.**, 126 East Liberty, Rapid City, South Dakota, convicted on December 31, 1970, in the Fourth District Court, Hennepin County, Minnesota.
- SLARK, Richard M.**, 2502 La Vista Road, Decatur, Georgia, convicted on October 22, 1976, in the United States District Court, Atlanta, Georgia.
- SMITH, Byron P.**, P.O. Box 35, Corsica, Pennsylvania, convicted on July 1, 1976, in the United States District Court, Western Judicial District, Pittsburgh, Pennsylvania.
- SMITH, Jay W.**, 2614 South 13th, Council Bluffs, Idaho, convicted on April 16, 1972, in the District Court of Roscommon City, Michigan.
- SMITH, Jim D.**, P.O. Box 1243, Lewisville, Texas, convicted on March 28, 1968, in the Criminal District Court Number 2, Dallas, Texas.
- SMITH, Ollie L.**, 5921 Murray Avenue, Hanahan, South Carolina, convicted on September 20, 1978, in the United States District Court, Charleston, South Carolina.
- SNOOK, Thomas E.**, 3401 Reynolds Road, Richmond, Virginia, convicted on September 30, 1976, in the Circuit Court, Hanover County, Hanover, Virginia.
- SNYDER, Kevin L.**, Mohawk Mobile Manor Trailer Park, Lot 18, Tyler Road, Chittenango, New York, convicted on October 3, 1978, in the County Court, Madison County, Wampsville, New York.
- SOLOMON, Matthew I.**, 4 Happy Hollow Boulevard, Council Bluffs, Iowa, convicted on June 8, 1970, in the District Court, Harrison County, Iowa.
- SPEARING, Ronald R.**, Route 4, Middlebrook Apartments Number 1, Buhl, Idaho, convicted on January 11, 1974, in the District Court, Fifth District of Idaho.
- SPICER, Jonathan P.**, 648 Main Street, Rockland, Maine, convicted on May 2, 1975, in the Superior Court of Aroostook County, Maine.
- SPLKA, Louis R.**, 8078 Goringwood Lane, Germantown, Tennessee, convicted on September 4, 1980, the United States District Court, Eastern District of Arkansas, Western Division.
- SPIRO, Scott K.**, 845½ Highland Avenue, Bremerton, Washington, convicted on February 5, 1973, in the 105th Judicial District Court of Nueces County, Texas.
- SPONSELLER, Gerald W.**, 3905 Oakwood, Apartment 1, Melvindale, Michigan, convicted on June 21, 1976, in the Wayne County Circuit Court, Southgate, Michigan.
- SPRIGGS, William H.**, 511 South Main Street, Chambersburg, Pennsylvania, convicted on January 31, 1973, in the Franklin County Common Pleas Court, Pennsylvania.
- STALLINGS, Jesse M.**, P.O. Box 201, Halls Bridge Road, Jackson, Georgia, convicted on April 14, 1978, in the United States District Court, Middle District of Georgia.
- STANBERRY, Albert H.**, Rural Route 4, Box 345, Charleston, Illinois, convicted on August 15, 1969, in the Circuit Court of Cumberland County, Fifth Judicial Circuit, Toledo, Illinois.
- STANFIELD, Jack Dencil E.**, 1222 Thrasher Pike, Hixson, Tennessee, convicted on November 17, 1969, in the United States District Court, Nashville, Tennessee.
- STAFFORD, Edward A.**, Rural Delivery 1, Box 538, Hopwood, Pennsylvania, convicted on September 1, 1964, in the Fayette County Court, Uniontown, Pennsylvania.
- STEFANIA, Gabriel J.**, 80-42 263rd Street, Floral Park, New York, convicted on December 6, 1974, in the United States District Court, Southern District of New York.
- STEPHENS, William C. Jr.**, 4917 Thunderbird Drive, Apartment 18, Boulder, Colorado, convicted on January 25, 1978, in the Fairfax County Court, Virginia.
- STEVENS, Harold**, Flinton, Pennsylvania, convicted on November 16, 1978, in the United States District Court, Western District of Pennsylvania.
- STRANG, Mark R.**, 27252 Southeast 54th Place, Issaquah, Washington, convicted on January 1, 1979, in the Superior Court, Jacksonville, North Carolina.
- STRINGFIELD, Lillburn O.**, Route 2, Box 146, Frisco, Texas, convicted on October 16, 1978, in the 219th Judicial District Court, McKinney, Texas.
- SUNDEEN, Gary C.**, 619 Neill Street, Buxton, North Dakota, convicted on May 19, 1980, in the Trail County District Court, East Central District of North Dakota.
- SUTTON, Douglas S.**, 33 Highland Court, Paris, Illinois, convicted on March 12, 1976, in the Circuit Court of the Fifth Judicial Circuit of Edgar County, Paris, Illinois.
- SERBER, Gary L.**, Rural Route 1, Box 192, Austin, Indiana, convicted on November 14, 1979, in the United States District Court, Southern Judicial District of Indiana, New Albany Division.
- SWANSON, Jon L.**, Route 4, Box 4400-A, Rainier, Oregon, convicted on October 29, 1974, in the Superior Court of Cowlitz County, Washington.
- TARTER, Thomas H.**, Route 1, Box 231-B, Dunnville, Kentucky, convicted on May 14, 1979, in the United States District Court, Western District Court, Western District, Bowling Green, Kentucky.
- TAYLOR, Christopher C.**, Rural Delivery 2, Box 323-V, Bellefonte, Pennsylvania, convicted on March 26, 1973, in the Court of Common Pleas of Centre County, Pennsylvania.
- TEW, Jasper H.**, Route 1, Box 270, Slocumb, Alabama, convicted on January 16, 1980, in the United States District Court of Alabama, Montgomery, Alabama.
- THOMAS, Burgett W.**, Route 1, Box 39, Friendsville, Maryland, convicted on September 18, 1978, in the United States District Court, Northern District of West Virginia.
- THOMAS, Harley D.**, Route 2, Box 2000, Lake Park, Minnesota, convicted on May 24, 1954, in the County of Hillsborough, Tampa, Florida.
- THOMAS, Joan R.**, 257 Rochester Road, Mobile, Alabama, convicted on March 12, 1976, in the United States District Court, Southern Judicial District of Alabama.
- THOMAS, R. Thornley, III**, 1409 Hemlock, Cayce, South Carolina, convicted on June 27, 1974, in the Richland County Court, Columbia, South Carolina.
- THOMPSON, Arthur L.**, 218 North Washington, Jewell, Kansas, convicted on December 23, 1970, in the District Court, Mitchell County, Beloit, Kansas.
- THOMPSON, Fernald D.**, 41 Edwards Street, Lincoln, Maine, convicted on October 25, 1973, in the Penobscot County Superior Court, Bangor, Maine.
- TIDBALL, Keith M.**, 185 Nicholson Drive, Kalispell, Montana, convicted on April 12, 1963, in the United States District Court, District of South Dakota.
- TOBAR, John O. Jr.**, 111 Alabama Avenue, Selma, Alabama, convicted on September 2, 1972, in the Dallas County Circuit Court, Dallas County, Alabama.
- TRAMMELL, Alan D.**, Route 3, Box 235, Elkton, Virginia, convicted on July 17, 1980, in the Circuit Court, Rockingham County, Virginia.
- TROTMAN, Jesse M.**, 28 North Wheeler Avenue, Baltimore, Maryland, convicted on March 14, 1956; and on February 25, 1976, in the Criminal Court, Fayette and Gay, Baltimore City Criminal Court, Baltimore, Maryland.

- TURNER, William A.**, 417 South Withlacoochee Avenue, Marion, South Carolina, convicted on October 21, 1957, in the Court of General Sessions of Marion County, South Carolina.
- TYREE, Henry R.**, Route 2, Rocky Mount, Virginia, convicted on October 11, 1965, in the Circuit Court of Franklin County, Virginia.
- UNDERKOFFLER, Edward**, 220 South 6th Street, Lebanon, Pennsylvania, convicted on July 16, 1971, in the Lebanon County Court of Common Pleas, Lebanon, Pennsylvania.
- VALZDEZ, Arthur R.**, 248 Snyder, Cheyenne, Wyoming, convicted on July 18, 1969, in the District Court of Laramie County, Wyoming.
- VALENTINE, Gary L.**, Route 1, Box 222, Minden, Louisiana, convicted on May 18, 1978, in the United States District Court, Western Judicial District of Louisiana.
- T3VAN CLEAVE, Larry E.**, 1308 Meadow Creek Drive, Pewaukee, Wisconsin, convicted on June 27, 1975, in the Douglas County Court, Superior, Wisconsin.
- VANDERPOOL, Selwyn**, Route 5, Box 515, Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.
- VANDERPOOL, Selwyn**, Route 5, Box 515 Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.
- VANDERPOOL, Selwyn**, Route 5, Box 515 Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.
- VAZ, Ronald M.**, 74 Hollis Street, Woonsocket, Rhode Island, convicted on October 20, 1975, in the United States District Court, District of Rhode Island.
- WAHUS, Gordon E.**, P.O. Box 1311, Huron, South Dakota, convicted on April 2, 1980, in the United States District Court of South Dakota.
- WALKENHORST, Dennis L.**, 1704-B Georgia Avenue, Albany, Georgia, convicted on March 2, 1966, in the Circuit Court of LaFayette, Missouri.
- WALKER, Danny L.**, 2240 Northwest 42nd Street, Apartment 43, Oklahoma City, Oklahoma, convicted on February 4, 1976, in the Pontotoc County District Court, Ada, Oklahoma.
- WALLACE, Woodrow W. Jr.**, 375 Arnold Road, Apartment A-106, Mobile, Alabama, convicted on August 18, 1975, in the United States District Court, Southern District of Alabama.
- WARD, Jack**, 2512 97th Street, East, Palmetto, Florida, convicted on May 25, 1965, in the Lexington County Court, Lexington, South Carolina.
- WARD, James L.**, Route 1, Box 352, Roaring River, North Carolina, convicted on May 18, 1949; May 22, 1956; and on May 18, 1964, in the United States District Court, Wilkesboro, North Carolina.
- WARD, Michael A.**, 5924 32nd Avenue, Southwest, Seattle, Washington, convicted on September 21, 1976, in the King County Superior Court of Washington.
- WARD, Terry A.**, 418 Central Park, West, New York, New York, convicted on June 11, 1971, in the New York Supreme Court, New York.
- WARREN, Glen Darrell E.**, 3907 Georgie Way, Crestwood, Kentucky, convicted on November 8, 1973, in the Henry Circuit Court of Henry County, Kentucky.
- WALTERS, David W.**, P.O. Box 512, Malone, Florida, convicted on February 13, 1978, in the Circuit Court of Jackson County, Marianna, Florida.
- WATSON, Dwayne D.**, 403 East 10th Street, Shamrock, Texas, convicted on May 4, 1971, in the 31st Judicial District Court of Wheeler County, Texas.
- WATSON, Patrick A.**, 3802 Caravelle Parkway, Apartment 558, Corpus Christi, Texas, convicted on September 7, 1978, in the 230th District Court of Harris County, Texas.
- WATTS, Kenneth L.**, 1262 Park Avenue, Tarrant, Alabama, convicted on May 4, 1974, in the Tenth Circuit Court, Birmingham, Alabama.
- WEBER, Terry L.**, 2135-A East Phinney Bay, Bremerton, Washington, convicted on October 25, 1973, in the General Court martial, Sbric Bay Naval Air Station, Philippini Islands; and on October 18, 1974, in the District Court of Logan County, Colorado.
- WEBSTER, Paul R.**, 1129 Morgan Road, Bremerton, Washington, convicted on March 5, 1979, in the Superior Court of Kitsap County, Washington.
- WEIDE, Douglas L.**, Rural Route 1, Lake Mills, Wisconsin, convicted on September 22, 1976, in the Iowa County Circuit Court, Dodgeville, Wisconsin.
- WELLS, Stephen R.**, 3761 Molly Boulevard, Muskegon, Michigan, convicted on August 18, 1976, in the Superior Court of Thurston County, Washington.
- WENZLAFF, Joe**, 709 Hickory Street, West Bend, Wisconsin, convicted on December 13, 1971, in the Branch II, Washington County Court, West Bend, Wisconsin.
- WEST, Danny A.**, 302 East Smith Street, Poplarville, Mississippi, convicted on August 10, 1965; and on March 12, 1968, in the Circuit Court of Harrison County, Mississippi.
- WESTERMAN, Billy M.**, Route 1, Box A-41, Blackwell, Texas, convicted on May 4, 1977, in the Curry County District Court, Clovis, New Mexico.
- WESTWOOD, Frank R. Jr.**, 452 Fairway, Wichita, Kansas, convicted on December 6, 1976; and on August 28, 1978, in the United States District Court, Judicial District of Kansas, Wichita, Kansas.
- WETTLAUER, Donald E.**, 3211 Woodrow Way, Atlanta, Georgia, convicted on June 5, 1978, in the United States District Court, Northern District of Georgia.
- WHITEHEAD, William C. Jr.**, 6900 East Holmes Road, Memphis, Tennessee, convicted on March 9, 1979, in the United States District Court, Western Judicial District, Memphis, Tennessee.
- WHITNEY, Robert K.**, 66 Oconee Estates, Seneca, South Carolina, convicted on January 9, 1971, in the Court of General Sessions of Pickens county, Pickens, South Carolina.
- WICK, Larry D.**, 1494 Bruce Drice, Anderson, California, convicted on August 14, 1967, in the Superior Court, Shasta County, California; and March 10, 1969, in the Superior Court of Tehama County, California.
- WIDDER, Scott, K.**, 15095 Northwest Oakmont Loop, Beaverton, Oregon, convicted on September 26, 1977, in the Circuit Court of Washington County, Oregon.
- WILBUR, Garth C.**, 3431 Holland Cliff Road, Huntingtown, Maryland, convicted on March 25, 1974, in the District of Columbia, Washington, DC.
- WILKES, Jack E.**, 408 Daniel Circle, Dothan, Alabama, convicted on March 30, 1954, in the General Court Martial, Dothan, Alabama.
- WILKINSON, David R.**, P.O. Box 489, John Day, Oregon, convicted on October 29, 1970, in the Circuit Court of Randolph County, Missouri.
- WILKINSON, James T.**, 13213 Corpus Christe, Houston, Texas, convicted on November 11, 1973, in the 176th District Court of Harris County, Texas.
- WELSON, Major R.**, Route 1, Box 227, Woodland, Alabama, convicted on November 2, 1979, in the United States District Court, Middle District of Alabama, Montgomery, Alabama.
- WINNEY, Curtis L.**, P.O. Box 801, Forks, Washington, convicted on December 12, 1978, in the Superior Court of Clallam County, Port Angeles, Washington.
- WIRTZ, Terry J.**, 3947 South Ferdinand, Seattle, Washington, convicted on July 29, 1977, in the Superior Court of King County, Washington.
- WOOD, Tony M.**, 134 Glenn Trail, Mount Airy, North Carolina, convicted on February 8, 1977, in the Surry County Superior Court, Dobson, North Carolina.
- Zambelli, George R.**, 205 East Winter Avenue, New Castle, Pennsylvania, convicted on March 16, 1981, in the United States District Court, Western District of Pennsylvania.
- ZELEK, Marcel R.**, 5151 Lantana Road, Lake Worth, Florida, convicted on February 6, 1962, in the Criminal Court of Records, Palm Beach County, Florida.
- ZIRK, Dennis P.**, 115 Fern Drive, Joppa, Maryland, convicted on May 4, 1978, in the District Court of Baltimore County, Maryland.
- ZYNN, Donald G.**, 5007 Townsend Avenue, Los Angeles, California, convicted on August 7, 1975, in the County Court of Chester County, Pennsylvania.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-

based enterprises in domestic or export market.

Signed: October 19, 1982.

Stephen E. Higgins,

Acting Director.

[FR Doc. 28-29359 Filed 10-26-82; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 27-82]

Series X-1984 Notes; Interest Rate

October 21, 1982.

The Secretary announced on October 20, 1982, that the interest rate on the notes designated Series X-1984, described in Department Circular—Public Debt Series—No. 27-82 dated October 14, 1982, will be 9¾ percent. Interest on the notes will be payable at the rate of 9¾ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-29433 Filed 10-26-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 208

Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 1, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger:

The First National Bank in Little Rock, Little Rock, Arkansas, and Commercial National Bank of Little Rock, Little Rock, Arkansas.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Pelzer & Chard, P.A., North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.

Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. Tampa, Florida, in connection with the liquidation of Metropolitan Bank & Trust Company, Tampa, Florida.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to

authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers:

Liberty National Bank and Trust Company of Louisville, Louisville, Kentucky, and United Kentucky Bank, Inc., Louisville, Kentucky. The Parkersburg National Bank, Parkersburg, West Virginia, and Union Trust National Bank, Parkersburg, West Virginia.

Memorandum and Resolution re: Recommendation to withdraw proposed Part 350 of the Corporation's rules and regulations, entitled "Special Reporting Basis for Insured Savings Bank," which would have (1) required all insured savings banks to report all debt and equity securities acquired on or after January 1, 1983 on a current value basis for purposes of preparing their Reports of Condition and Income that are filed with the FDIC, and (2) permitted insured savings banks to defer and amortize gains and losses on dispositions of financial assets acquired prior to January 1, 1983.

The meeting will be held in the Board Room on the sixth floor of the FDIC building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 25, 1982.

Federal Deposit Insurance Corp.

Hoyle L. Robinson,

Executive Secretary.

[S-1547-82 Filed 10-25-82; 2:04 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:20 p.m. on Monday, November 1, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections

552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance for United States branches of a foreign bank:

Banco Consolidado, C.A., Caracas, Venezuela, for Federal deposit insurance of deposits received at and recorded for the accounts of its two federally-chartered United States branches located at Suite 10211, One World Trade Center, New York (Manhattan), New York, and 9 West 57th Street, New York (Manhattan), New York.

Applications for consent to merge, establish branches, redesignate the main office, and exercise full trust powers:

Muir, Wilson & Muir, Bloomfield, Kentucky, for consent to merge with Wilson & Muir Bank & Trust Company, Bardstown, Kentucky, under the Charter of Muir, Wilson & Muir and with the title "Wilson & Muir Bank & Trust Company," to establish the three offices of Wilson & Muir Bank & Trust Company as branches of the resultant bank, to redesignate the main office of Wilson & Muir Bank & Trust Company as the main office of the resultant bank, and to exercise full trust powers.

Personnel actions regarding appointments, promotions, administrative pay increases,

reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 389-4425.

Dated: October 25, 1982.
Federal Deposit Insurance Corporation,
Hoyle L. Robinson,
Executive Secretary.

[S-1548-82 Filed 10-25-82; 2:04 p.m.]

BILLING CODE 6714-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 20, 1982.

TIME AND DATE: 10 a.m., Wednesday, October 27, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Florence Mining Company, Docket No.

PITT 75-15, etc., (IBMA 77-32); Motion for reconsideration. (Issues include whether the Commission should reconsider its decision in this case issued August 31, 1982.)

2. Lansalot Olguin v. Cities Service Company and Inspiration Consolidated Copper Co., Docket No. WEST 82-125-DM; Petition for Interlocutory Review. (Issues include whether the judge erred in denying Inspiration Copper's motion to dismiss a discrimination proceeding against it.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-1550-82 Filed 10-25-82; 3:44 pm]

BILLING CODE 6735-01-M

4

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE:

2 p.m.-5 p.m., Friday, October 29, 1982;

9 a.m.-5 p.m., Saturday, October 30, 1982.

PLACE: Legal Services Corporation Headquarters, 733 Fifteenth Street, NW., eighth floor conference room, Washington, D.C. 20005.

STATUS OF MEETING: Open (Portion of the meeting may be closed to discuss a personnel matter under 45 CFR 1622.5(a) and 1622.5(e)).

CHANGE IN MATTERS TO BE CONSIDERED:

Addition to the agenda
Board action on regulations implementing

restrictions in the 1983 Continuing Resolution for the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Anne Tracy, Office of the President (202) 272-4040.

Date Issued: October 16, 1982.

William F. Harvey,
Chairman, Board of Directors.

[S-1549-82 Filed 10-25-82; 3:44 pm]

BILLING CODE 6820-35-M

5

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

DATE: October 29, 1982.

PLACE: Room 2007, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

TIME: 10 a.m. until 4 p.m.

PURPOSE: Public hearing to receive testimony on the Commission's draft final report of the Insurance Premium. Witnesses shall include individuals from state guaranty agencies, lending institutions, postsecondary officials, and students.

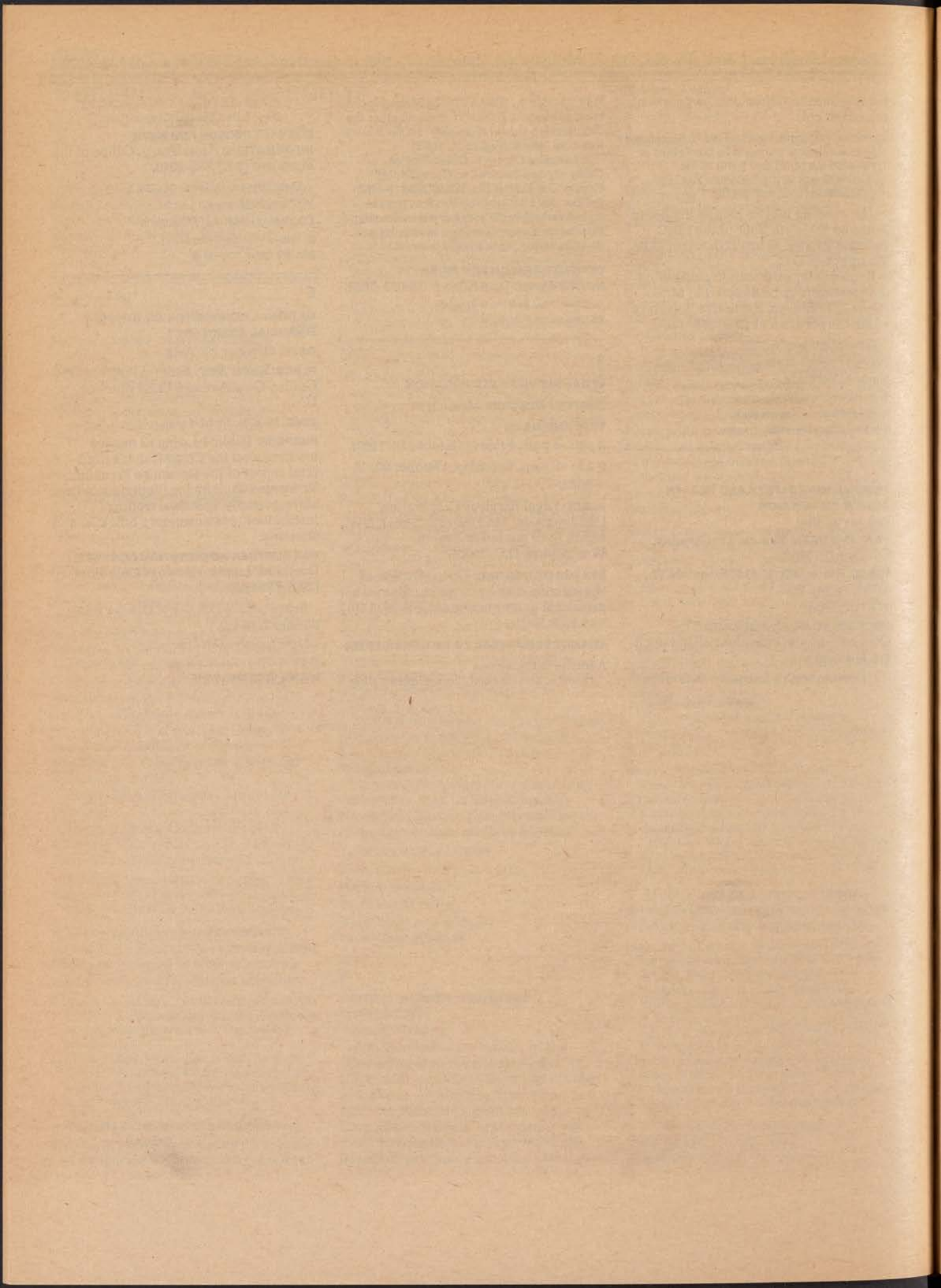
FOR FURTHER INFORMATION CONTACT: Donna M. Lumia, Hearings Coordinator (202) 472-9023.

Submitted the 13th day of October 1982.

Richard T. Jerue,
Chief Executive Director.

[S-1551-82 Filed 10-25-82; 3:44 pm]

BILLING CODE 6820-BC-M



Patent Procedure

Wednesday
October 27, 1982

Part II

Department of Commerce

Patent and Trademark Office

Revision of Patent Procedure

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 21001-202]

Revision of Patent Procedure

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes to amend the rules of practice in patent cases, Part 1 of 37 CFR, to implement the sections of Pub. L. 97-247 of 1982 which become effective on February 27, 1983, and to make other miscellaneous changes. The other miscellaneous changes are being made to clarify and improve the rules where appropriate. The rulemaking also proposes to amend Part 5 of 37 CFR to establish procedures expediting the granting of a license under 35 U.S.C. 184 permitting filing of a patent application in a foreign country and to indicate on the application filing receipt if such a license is granted. This action is necessary at this time in order that final rules may be adopted prior to February 27, 1983, the effective date of the sections of Pub. L. 97-247 which this proposal seeks to implement.

DATES: Comments must be submitted on or before December 16, 1982; a public hearing will be held December 16, 1982, 9:30 a.m.; requests to present oral testimony should be received on or before December 9, 1982.

ADDRESSES: Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Attention: R. Franklin Burnett, Room 3-11A13, Washington, D.C. 20231. The hearing will be held in Room 11C24 of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11A13 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: R. Franklin Burnett by telephone at (703) 557-3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed primarily to (1) implement the changes in practice in the Patent and Trademark Office provided for in Pub. L. 97-247 enacted on August 27, 1982; (2) correct, or clarify or rewrite certain rules; and (3)

to expedite the granting of licenses under 35 U.S.C. 184.

This proposal contains a number of changes in practice designed to benefit both the Office in its handling of its mission and the public the Office serves.

Certain of the proposed changes are more or less housekeeping in nature.

A final rule on "Revision of Patent and Trademark Fees" was published on July 30 1982 at 47 FR 33086-33112 with corrections in the printing thereof being published on August 4, 1982, at 47 FR 33688 and on August 5, 1982, at 47 FR 33959. The final rule was also published in the Official Gazette on August 10, 1982, at 1021 O.G. 19-94. A final rule relating to definitions of "independent inventor" and "nonprofit organizations" was published on September 10, 1982 at 47 FR 40134-40140. A "Revision of Patent and Trademark Fees Confirmation" was Published on September 17, 1982 at 47 FR 41272-41283 upon enactment of H.R. 6260 as Pub. L. 97-247 on August 27, 1982. A final rule relating to the definition of "small business concern" was published on September 30, 1982 at 47 FR 43272-43276.

Discussion Of Specific Rules

Section 1.4, if amended as proposed, would add a reference to Subpart D relating to citation of prior art and reexamination.

Section 1.6, if amended as proposed, would insert "federal" before "holidays" in § 1.6(a)-(c) in accordance with section 21 (b) of Title 35, United States Code, as amended by Public Law 97-247. Proposed new § 1.6(d) would establish in the regulations a procedure under which papers and fees which could not be filed on a particular date because of an interruption or emergency in the United States Postal Service which is so designated by the Commissioner, may be promptly filed after the ending of such a designated interruption or emergency and be considered as having been filed on that particular date. Authority for such a practice is found in section 21(a) of Title 35, United States Code, as amended by Pub. L. 97-247.

Section 1.7, if amended as proposed, would insert "federal" before "holiday" in accordance with 35 U.S.C. 21(b), as amended by Pub. L. 97-247.

Section 1.8, if amended as proposed, would delete in § 1.8(a) the references to §§ 3.55 and 4.23, which sections were deleted from the rules by the rulemaking entitled "Revision of Patent and Trademark Fees" published in the Federal Register on September 10, 1982 at 47 FR 40134-40140. The proposed change in § 1.8(a)(i) results from the change made in § 111 of Title 35, United

States Code, by Pub. L. 97-247. Under the proposal, the certificate of mailing procedure would be available for filing oaths or declarations and filing fees. However, the certificate of mailing procedure could not be used for filing specifications and drawings to obtain a filing date. Such papers could be filed under proposed § 1.10. The proposed change in § 1.8(a)(viii) would recognize the establishment of the Court of Appeals for the Federal Circuit.

Section 1.10, if added as proposed, would provide a procedure for assigning the date on which any paper or fee is deposited as Express Mail with the United States Postal Service as the filing date of the paper or fee in the Patent and Trademark Office. Authority for the Commissioner to establish such a procedure is provided in § 21(a) of Title 35, United States Code, as amended by Pub. L. 97-247. The proposed procedure, in § 1.10(a), would require the use of the "Express Mail Post Office to Addressee Service" of the United States Postal Service. This service provides for the use of a mailing label which clearly indicates the date on which it was deposited. Proposed § 1.10(b) would require (1) that the number of the Express Mail mailing label be placed on each paper or fee and (2) that a certificate of express mailing, signed by the person mailing the paper or fee, accompany the paper or fee and state the date of deposit as Express Mail in the United States Postal Service. Under proposed § 1.10(c), the Office would accord the paper or fee the certificate date as the filing date without further proof if the paper or fee is received in the Office on the first day the Office receives papers or fees following the certificate date. Since Express Mail provides for one day delivery, the certificate plus timely receipt one day later is considered sufficient evidence to establish the deposit date. If, however, more than one day has elapsed between the certificate date and the Office receipt date, § 1.10(c) provides that the person mailing the paper or fee may be required to file (1) a copy of the Express Mail receipt showing the actual date of mailing and (2) an affidavit or declaration from the person who mailed the paper or fee averring to the fact that the mailing occurred on the date certified. The certificate of mailing procedure of § 1.8(a) would continue to be available in addition to the proposed procedure under § 1.10.

Section 1.17, paragraph (h), if amended as proposed, would delete the reference to § 1.45 and add a reference to proposed § 1.48 relating to the

correction of inventorship in patent applications.

Section 1.22 as it currently exists is proposed to be labeled as paragraph (a) and is proposed to be amended to recognize that filing dates may be assigned without payment of the basic filing fee as authorized by section 111 of Title 35, United States Code, as amended by Pub. L. 97-247. Proposed new § 1.22(b) would indicate that fees paid to the Office should be itemized in such a manner that the purpose for which the payment is submitted can be clearly determined by Office personnel for proper processing.

Section 1.24, if amended as proposed, would delete the reference to coupons in denominations of forty cents since coupons in this denomination are no longer necessary.

Section 1.41, if amended as proposed, would require in § 1.41(a) that a patent be applied for in the name of the actual inventor or inventors and that the full names of the inventors be stated. Section 1.41(b), as proposed to be amended, clarifies the definition of the word "applicant". Proposed new § 1.41(c) permits any person authorized by the applicant to file an application for patent in order to receive a filing date on behalf of the inventor or inventors, but the oath or declaration for the application must be made by all of the actual inventors in accordance with proposed §§ 1.63 and 1.64. Under proposed new § 1.41(d), a showing may be required from the person initially filing an application that the filing was authorized.

Sections 1.42 and 1.43, if amended as proposed, would remove the requirement that the legal representative sign the application papers in view of the proposed changes pursuant to 35 U.S.C. 111 as amended by Pub. L. 97-247. The oath or declaration must still be signed. Several occurrences of the masculine gender in § 1.42 are also proposed to be deleted.

Section 1.45, if amended as proposed, would delete present § 1.45(b) and (c) in view of proposed new § 1.48 and remove the requirement that joint inventors sign the application papers. The joint inventors would, however, still be required to make the oath or declaration in accordance with proposed new §§ 1.63 and 1.64.

Section 1.46, if amended as proposed, would permit anyone to file the application if authorized by the inventor or inventors or one of the persons mentioned in §§ 1.42, 1.43, or 1.47.

Section 1.47, if amended as proposed, would change the reference for the rule on oaths or declarations from § 1.65 to proposed § 1.63.

Section 1.48, if added as proposed, would add a new section relating to correction of inventorship as authorized by § 116 of Title 35, United States Code, as amended by Pub. L. 97-247. Under proposed § 1.48, if the correct inventor or inventors are not named in an application for patent, the application could be amended to name only the actual inventor or inventors so long as the error in the naming of the inventor or inventors occurred without any deceptive intention. Proposed § 1.48 would require that the amendment be diligently made and be accompanied by (1) a petition including a statement of facts verified by the original named inventor or inventors establishing when the error without deceptive intention was discovered and how it occurred; (2) an oath or declaration by each actual inventor or inventors as required by § 1.63; (3) the fee set forth in § 1.17(h); and (4) the written consent of any assignee. Correction would be permitted in cases where the person originally named as inventor was in fact not the inventor of the subject matter contained in the application. If such error occurred without any deceptive intention on the part of the true inventor, the Office would have the authority to substitute the true inventor for the erroneously named person. Although probably rarer, instances such as changes from a mistakenly identified sole inventor to different, but actual, joint inventors; conversions from erroneously identified joint inventors to different but actual, joint inventors; and conversions from erroneously identified joint inventors to a different, but actual, sole inventor would also be permitted. In each instance, however, the Office would have to be assured of the presence of innocent error, without deceptive intention on the part of the true inventor or inventors, before permitting a substitution of a true inventor's name.

Section 1.51, if amended as proposed, would change the reference in paragraph (a)(2) to new § 1.63 for the requirements of an oath or declaration and would change paragraph (b) with regard to the required time for filing material information disclosure statements.

Section 1.52, if amended as proposed, would revise § 1.52(c) relating to interlineations, erasures, cancellations or other alterations in application papers to specify that such changes must be made before the signing of any accompanying oath or declaration and should be dated and initialed or signed by the applicant on the same sheet of paper. Section 1.52(c), as proposed to be amended, would prohibit making alterations in the application papers

after the signing of an oath or declaration referring to such application papers. Under § 1.52(c), as proposed to be amended, amendments to application papers made after the signing of an oath or declaration referring to the application papers, could only be made in the manner provided by §§ 1.121 and 1.123-1.125.

Section 1.53, if amended as proposed, would revise the title to indicate that the section, as amended, would relate to application serial numbers, filing dates and completion of applications. Section 1.53(a) as proposed, would indicate that a serial number is assigned to any application received for identification purposes, even if the application is incomplete or informal. Section 1.53(b), as proposed, would provide that a filing date would be assigned an application as of the date a specification containing a description and claim and any required drawing are received in the Patent and Trademark Office. Although the filing fee and oath or declaration could be submitted later, no amendments could be made to the specification or drawings which would introduce new matter. This practice is authorized by 35 U.S.C. 111 as amended by Pub. L. 97-247. Proposed new § 1.53(c) would provide for notifying applicant of any application incomplete because the specification or drawing is missing and giving the applicant a time period to correct any omission. If the omission is not corrected within the time period given, the application would be returned or otherwise disposed of and a handling fee of \$50.00 would be retained from any refund of a filing fee. Proposed new § 1.53(d) would provide that, where a filing date has been assigned to a filed specification and drawing, the applicant will be notified and be given a period of time in which to file the missing fee, oath or declaration and to pay the surcharge due. Proposed new § 1.53(e) would indicate that a patent application would not be forwarded for examination on the merits until all required parts had been received. Proposed new § 1.53(f) indicates that international applications filed under the Patent Cooperation Treaty which designate the United States of America are considered to have a United States filing date, except as provided in 35 U.S.C. 102(e), on the date the requirements of PCT Article 11(1) (i) to (iii) are met.

Section 1.54, if amended as proposed, would designate the existing section as paragraph (a) and add a reference to § 1.53. Section 1.54(b) is proposed to be added to indicate that applicant will be informed of the serial number and filing date of the application.

Section 1.55, if amended as proposed, would limit the section to claims for foreign priority by deleting paragraphs (a) and (d) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b). Section 1.55(a), as proposed, would change the reference from § 1.65 to proposed § 1.63.

Section 1.56, if amended as proposed, would revise paragraph (c) to delete reference to signing of the application but would add reference to signing of the oath or declaration pursuant to proposed § 1.63. Under § 1.56(c), as proposed to be amended, an application may be stricken from the files if an oath or declaration pursuant to proposed § 1.63 is signed in blank, or without actual inspection of the application papers, or without the review of the specification indicated in proposed § 1.63(b). Section 1.56(c), as proposed to be amended, would also provide for an application to be stricken from the files if application papers filed in the Office are altered after the signing of an oath or declaration pursuant to proposed § 1.63 referring to those application papers.

Section 1.57 is proposed to be deleted since the requirements relating to applicant's signature to the oath or declaration of the application are adequately covered in other sections.

Section 1.59, if amended as proposed, would be rewritten to refer to and conform with the changes proposed in § 1.53.

Section 1.60, if amended as proposed, would require the applicant to supply a verified copy of the originally signed application in all cases where the § 1.60 filing procedure is used. The Office would no longer prepare copies without charge under the proposal. The Office, by a separate final rule, is adopting a new § 1.62 to provide for the filing of a file wrapper continuing application which will eliminate the need for the Office to continue to prepare copies under § 1.60.

Section 1.63, if added as proposed, would add a section replacing current § 1.65 relating to the required content and execution of an oath or declaration filed as a part of a patent application. Proposed § 1.63(a) provides that the oath or declaration, (1) be executed in accordance with § 1.66 or § 1.68, (2) identify the specification to which it is directed in some definite manner such as giving the title of the invention or serial number of the application, if previously filed, (3) identify each inventor and his or her residence and country of citizenship, and (4) state whether the inventor is a sole or joint inventor of the claimed invention.

Proposed § 1.63(b) would further require

the oath or declaration to state that the person signing the oath or declaration (1) has reviewed and understands the contents of the identified specification, (2) believes the named inventor is the original and first inventor, and (3) acknowledges the duty to disclose information which is material. Proposed paragraph (c) would require that any application in which a claim for foreign priority is made identify in the oath or declaration the first filed foreign application. Proposed § 1.63(d) would require that the oath or declaration in a continuation-in-part application, which discloses and claims subject matter in addition to that disclosed in the prior copending application, state that the person making the oath or declaration acknowledges the duty to disclose material information (including any foreign patenting, publication, or public use or sale in the United States of the subject matter of the prior application which occurred more than one year prior to the filing date of the continuation-in-part application).

Section 1.64 is proposed to be added to clearly indicate who must sign the oath or declaration of a patent application.

Section 1.65 is proposed to be deleted because the oath or declaration requirements set forth therein are covered by proposed § 1.63.

Section 1.67, if amended as proposed, would delete all of present paragraphs (a) and (b) and substitute therefor new wording. Proposed § 1.67(a) would indicate that a supplemental oath or declaration meeting the requirements of proposed § 1.63 may be required to correct deficiencies or inaccuracies present in an earlier oath or declaration. Proposed § 1.67(b) would require a supplemental oath or declaration to be filed (1) when a claim is presented embracing material not originally claimed and (2) when a subsequently filed oath or declaration under proposed § 1.53(d) refers to an amendment which includes improper new matter. Proposed § 1.67(b) would also clearly state the prohibition against entry of new matter after the filing date of the application.

Section 1.69, paragraph (b), if amended as proposed, would change the time at which a translation of a non-English language oath or declaration which has not been supplied by the Office must be filed. The current time period of two months after the filing date would be changed to two months after notification that a translation is required. The reference to § 1.65 in § 1.69(b), as proposed to be amended, would be changed to proposed § 1.63.

Section 1.70, if amended as proposed, would merely refer to proposed § 1.63

for the requirements to be met when an oath or declaration is filed under 35 U.S.C. 371(c)(4).

Section 1.77, if amended as proposed, would change paragraphs (h) and (i) to refer to the abstract of the disclosure and signed oath or declaration, respectively.

Section 1.97, if amended as proposed, would change the title from "prior art statement" to "material information disclosure statement". This proposed change is appropriate since the designation "material information disclosure statement" more accurately characterizes the nature and content of the information required to be disclosed to the Patent and Trademark Office pursuant to § 1.56. Section 1.97, if amended as proposed, would also provide additional time for filing a material information disclosure statement if the filing receipt has not been received within three months of the filing date. If the filing receipt is not received within three months of the filing date, the disclosure statement should be submitted within two months after receiving the filing receipt.

Section 1.98, if amended as proposed, would indicate that material information disclosure statements should list prior art with all of the information which is required to print such citations on the front page of a patent.

Section 1.99, if amended as proposed, would change the title to be consistent with the proposed amendment to § 1.97.

Section 1.101, if amended as proposed, would specifically indicate that applications which are to have their examination advanced pursuant to § 1.102 will be taken up for examination out of order by the examiner.

Section 1.118, if amended as proposed, would designate the existing section as paragraph (a) and amend it to clearly state that no new matter may be introduced into an application and to make specific reference to proposed §§ 1.53, 1.63 and 1.67. Proposed new § 1.118(b) would indicate how improper amendments which introduce new matter in the specification or claims will be handled by the examiner.

Section 1.123, if amended as proposed, would require all corrections to drawings to be made by bonded draftsmen at applicant's expense since the Office does not have sufficient draftsmen to make such corrections. Sketches of any desired corrections would, however, still require approval of the examiner.

Section 1.125, if amended as proposed, would relax the prohibition against substitute specifications which are not required by the examiner. The proposed

section would, however, add the requirement that any substitute specification filed must be accompanied by a statement that the substitute specification includes no new matter. Under the proposed section the statement must be a verified statement if made by a person not registered to practice before the Office.

Section 1.131, if amended as proposed, would specifically refer to the use of affidavits or declarations under the section during reexamination of a patent. Under the section as proposed to be amended, the same person or persons who would make the affidavit or declaration in an application would be required to make the affidavit or declaration on behalf of the owner of the patent under reexamination.

Section 1.132, if amended as proposed, would specifically refer to the use of affidavits or declarations under the section during reexamination of a patent.

Section 1.137, if amended as proposed in paragraph (b), would except from the provisions of paragraph (b) those applications abandoned pursuant to proposed § 1.53(d) because the fee, oath, or declaration and the surcharge were not submitted. Section 111 of Title 35, United States Code, as amended by Pub. L. 97-247, requires that any delay in submission of the fee and oath be shown to be unavoidable. Thus, paragraph (b) of § 1.137 is inapplicable to the revival of applications which become abandoned pursuant to proposed § 1.53(d).

Section 1.141, if amended as proposed, would revise the rule to more clearly define what inventions are considered to be separate inventions for purposes of requiring restriction. The changes would provide in the rules the criteria which has been used in the past and is currently being used to determine if claims to different categories of invention (i.e., product, process, method of making, method of use) are directed to a single inventive concept.

Section 1.153, if amended as proposed, would change the reference for oath and declaration requirements from § 1.65 to proposed § 1.63.

Section 1.154, if amended as proposed, would revise paragraph (e) to refer to the signed oath or declaration requirements of § 1.153(b).

Section 1.162, if amended as proposed, would change the reference from current § 1.65 to proposed § 1.63.

Section 1.163, if amended as proposed, would change the wording of the section to clearly indicate that a signed oath or declaration is required rather than a signed specification.

Section 1.172, if amended as proposed, would clearly indicate that the reissue oath is signed and sworn to rather than the reissue application.

Section 1.174, if amended as proposed, would remove the requirement that photoprints of original drawings be securely mounted or pasted on sheets of drawing board because paper drawings are acceptable.

Section 1.175, if amended as proposed, would change the reference to the oath or declaration from § 1.65 to proposed § 1.63.

Section 1.301, 1.302 and 1.303, if amended as proposed, would refer to the Court of Appeals for the Federal Circuit rather than to the Court of Customs and Patent Appeals.

Section 1.324, if amended as proposed, would include wording similar to that in proposed § 1.48 for correction of inventorship in applications.

Section 1.325, if amended as proposed, would include reference to the reexamination procedures.

Section 1.335, if added as proposed, would provide a new section relating to the filing in the Patent and Trademark Office of notices of arbitration awards. Such filing is required under section 294 of Title 35, United States Code, as added by Pub. L. 97-247.

Section 1.565, if amended as proposed, would add a paragraph (e) indicating that a patent owner who has a claim rejected on a United States patent which claims the same invention must file a reissue application, if appropriate, in order to seek an interference pursuant to § 1.205. The rejection cannot be overcome by an affidavit or declaration pursuant to § 1.131. Proposed § 1.565(e) also provides that the failure or refusal of the patent owner to file a reissue application in such circumstances shall be taken as a disclaimer of the invention covered by the claim under rejection and will result in cancellation of the claim in the reexamination certificate issued pursuant to 35 U.S.C. 307 and § 1.570.

Section 5.12, if amended as proposed, would separate the section into two paragraphs. Proposed paragraph (a) would provide that the filing of an application for an invention made in the United States would be considered to include a petition for a license for foreign filing. If a license is granted, it will be indicated on the filing receipt. If it is not granted, no indication of the denial will appear. Failure to grant a license should be considered a denial of a first petition for a license. A subsequent petition may be filed under § 5.12(b). Section 5.12(b) is essentially the text of § 5.12 in its present form. No

rights to file a petition for license are being removed.

Environmental, energy, and other considerations: The proposed rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354) for several reasons. Public Law 96-517 and 97-247 have both taken into consideration the impact they may have on small entities. In general, the rule change will also expedite proceedings before the Patent and Trademark Office changing existing procedures where they can be simplified.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than \$100 million. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no significant additional record keeping or reporting requirements are placed upon the public. In fact, some paperwork, especially that related to requests for extensions of time, will be reduced.

List of Subjects in 37 CFR Parts 1 and 5

Administrative practice and procedure, Courts, Inventions and patents.

Notice is hereby given that, pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and Pub. L. 97-247, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations as set forth below.

It is proposed to amend 37 CFR, Parts 1 and 5, as follows with deletions indicated by brackets and additions by arrows.

PART 1—[AMENDED]

1. Section 1.4 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.4 Nature of correspondence.

(a) Correspondence with the Patent and Trademark Office comprises: (1) Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like, and (2) correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in Subpart B, §§ 1.31 to 1.352; of international applications in Subpart C, §§ 1.401 to 1.482; ▶ of reexamination of patents in Subpart D, §§ 1.501 to 1.570; ◀ and of [Trademark] ▶ trademark ◀ applications §§ 2.11 to 2.189.

2. Section 1.6 is proposed to be revised to read as follows:

§ 1.6 Receipt of letters and papers.

(a) Letters and other papers received in the Patent and Trademark Office are stamped with the date of receipt. No papers are received in the Patent and Trademark Office on Saturdays, Sundays or ▶ federal ◀ holidays, within the District of Columbia.

(b) Mail placed in the Patent and Trademark Office pouch up to midnight on weekdays, excepting Saturdays and ▶ federal ◀ holidays, by the post office at Washington, D.C., serving the Patent and Trademark Office is considered as having been received in the Patent and Trademark Office on the day it was placed in the pouch.

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the lobby of building 3 of the Patent and Trademark Office at Crystal Plaza, Arlington, Virginia and at the main entrance ▶ (14th Street) ◀ of the department of Commerce Building, Washington, D.C., on weekdays except Saturdays and ▶ federal ◀ holidays, and all papers deposited therein are considered as received in the Patent and Trademark Office on the day of deposit.

▶ (d) If interruptions or emergencies in the United States Postal Service which have been so designated by the Commissioner occur, the Patent and

Trademark Office will consider as filed on a particular date in the Office any paper or fee which is (1) promptly filed after the ending of the designated interruption or emergency and (2) accompanied by a statement indicating that such paper or fee would have been filed on that particular date if it were not for the designated interruption or emergency in the Postal Service. Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. ◀

3. Section 1.7 is proposed to be revised to read as follows:

§ 1.7 Times for taking action: Expiration on Saturday, Sunday or [federal] holiday.

Whenever periods of time are specified in this part in days, calendar days are intended. When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the Patent and Trademark Office falls on Saturday, Sunday, or on a ▶ federal ◀ holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a ▶ federal ◀ holiday. See § 1.304 for time for appeal or for commencing civil action.

4. Section 1.8 is proposed to be amended by revising the introductory texts of paragraphs (a) and (a)(2) and paragraphs (a)(1) and paragraph (a)(2) (i) and (viii) to read as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if: (1) They are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the U.S. Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit [see forms, §§ 3.55 and 4.23]. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated [the] ▶. The ◀ actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of ▶ a ◀ national ▶ application specification and drawing or other papers for the purpose of obtaining an application filing date; ◀ [applications for patents];

(viii) The filing of a notice of election to proceed by civil action in an inter partes proceeding under 35 U.S.C. 141 or section 21(a)(1) of the Trademark Act, 15 U.S.C. 1071(a)(1), in response to another party's appeal to the ▶ Court of Appeals for the Federal Circuit ◀ [Court of Customs and Patent Appeals];

5. A new § 1.10 is proposed to be added to read as follows:

§ 1.10 Filing of papers and fees by Express Mail with Certificate.

(a) Any paper or fee to be filed in the Patent and Trademark Office can be filed utilizing the Express Mail Post Office to Addressee Service of the United States Postal Service and be considered as having been filed in the Office on the date the paper or fee is shown to have been deposited as Express Mail with the United States Postal Service.

(b) Any paper or fee filed by Express Mail must have the number of the Express Mail mailing label placed thereon prior to mailing, be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and must be accompanied by a certificate of express mailing which states the date of express mailing and is signed by the person mailing the paper or fee.

(c) The Office will accept the certificate of express mailing and accord the paper or fee the certificate date under 35 U.S.C. 21(a) without further proof of the date on which the express mailing occurred if the paper or fee is received in the Office on the first day the Office receives papers or fees following the certificate date. If more than one day has elapsed between the certificate date and the Office receipt date the person mailing the paper or fee may be required to file a copy of the Express Mail receipt showing the actual date of mailing and an affidavit or declaration from the person who mailed the paper or fee averring to the fact that the mailing occurred on the date certified. ◀

6. Section 1.17 is proposed to be amended by revising paragraph (h) to read as follows:

§ 1.17 Patent application processing fees.

(h) For filing a petition to the Commissioner under a section of this part listed below which refers to this paragraph—\$120.00

[—§ 1.45—for correction of inventorship]

—§ 1.47—for filing by other than all the inventors or a person not the inventor

▶—§ 1.48—for correction of inventorship ◀

- § 1.182—for decision on questions not specifically provided for
- § 1.183—to suspend the rules
- § 1.268—for late filing of interference settlement agreement

7. Section 1.22 is proposed to be revised to read as follows:

§ 1.22 Fees payable in advance.

▶(a)◀ Fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of [making application for] ▶requesting◀ any action by the Office for which a fee or charge is payable ▶with the exception that under § 1.53 applications for patent may be assigned a filing date without payment of the basic filing fee◀.

▶(b)◀ All fees paid to the Patent and Trademark Office should be itemized in each individual application, patent or other proceeding in such a manner that it is clear for which purpose the fees are paid.◀

8. Section 1.24 is proposed to be revised to read as follows:

§ 1.24 Coupons.

Coupons in denominations of [forty cents and] one dollar are sold by the Patent and Trademark Office for the convenience of regular purchasers of U.S. patents and trademark registrations; these coupons may not be used for any other purpose. [The 40-cent coupons are sold individually and in books of 50 with stubs for record for \$20.] The one dollar coupons are sold individually and in books of 50 with stubs for record for \$50. These coupons are good until used; they may be transferred but cannot be redeemed.

9. Section 1.41 is proposed to be revised to read as follows:

§ 1.41 Applicant for patent.

(a) A patent must be applied for ▶in the name of the actual inventor or inventors. Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial.◀ [and the application papers must be signed and the necessary oath or declaration executed by the actual inventor in all cases, except as provided by § 1.60]

(b) Unless the contrary is indicated the word "applicant" when used in these sections refers to the inventor [.] ▶or◀ joint inventors who ▶are applying◀ [have applied] for a patent, or to the person mentioned in §§ 1.42, 1.43, or 1.47 who ▶is applying◀ [has applied] for a patent in place of the inventor.

▶(c)◀ Any person authorized by the applicant may file an application for

patent on behalf of the inventor or inventors, but an oath or declaration for the application § 1.64.◀

▶(d)◀ A showing may be required from the person filing the application that the filing was authorized where such authorization comes into question.◀

10. Section 1.42 is proposed to be revised to read as follows:

§ 1.42 When the inventor is dead.

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may [sign the application papers and] make the necessary oath of declaration, and apply for and obtain the patent. Where the inventor dies during the time intervening between the filing of [his] ▶the◀ application and the granting of a patent thereon, the letters patent may be issued to the legal representative upon proper intervention [by him].

11. Section 1.43 is proposed to be revised to read as follows:

§ 1.43 When the inventor is insane or legally incapacitated.

In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may [sign the application papers and] make the necessary oath or declaration, and apply for and obtain the patent.

12. Section 1.45 is proposed to be amended by removing paragraphs (b) and (c) and the designation (a) to the first paragraph and by revising the text to read as follows:

§ 1.45 Joint inventors

[(a)] Joint inventors must apply for a patent jointly and each must [sign the application papers and] make the required oath or declaration: neither of them alone, nor less than the entire number, can apply for a patent for an invention invented by them jointly, except as provided in § 1.47.

[(b)] If an application for patent has been made through errors and without any deceptive intention by two or more persons as joint inventors when they were not in fact joint inventors, the application may be amended to remove the names of those not inventors upon filing of a petition including a statement of the facts verified by all of the original applicants, the required fee (§ 1.17(h)), and an oath or declaration as required by § 1.65 by the applicant who is the actual inventor, provided the amendment is diligently made. Such amendments must have the written consent of any assignee.]

[(c)] If an application for patent has been made through error and without

any deceptive intention by less than all the actual joint inventors, the application may be amended to include all the joint inventors upon filing of a petition including a statement of the facts verified by, and an oath or declaration as required by § 1.65 executed by all the actual joint inventors, along with the required fee (§ 1.17(h)), provided the amendment is diligently made. Such amendment must have the written consent of any assignee.]

13. Section 1.46 is proposed to be revised to read as follows:

§ 1.46 Assigned inventions and patents.

In case the whole or a part interest in the invention or in the patent to be issued is assigned, the application must still be made ▶or authorized to be made an oath or declaration signed◀ by the inventor or one of the persons mentioned in §§ 1.42, 1.43, or 1.47. However, the patent may be issued to the assignee or jointly to the inventor and the assignee as provided in § 1.334.

14. Section 1.47 is proposed to be revised to read as follows:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the omitted inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and by the required fee (§ 1.17(h)) and must state the last known address of the omitted inventor. The Patent and Trademark Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unknown, notice of the filing of the application shall be published in the *Official Gazette*. The omitted inventor may subsequently join in the application on filing an oath or declaration of the character required by § [1.65] ▶1.63◀. A patent may be granted to the inventor making the application, upon a showing satisfactory to the Commissioner, subject to the same rights which the omitted inventor would have had if he or she had been joined.

(b) Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in

writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for the inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and by the required fee (§ 1.17(h)) and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest, or a verified copy thereof, must be filed in the Patent and Trademark Office. The Office shall forward notice of the filing of the application to the inventor at the address stated in the application. Should such notice be returned to the Office undelivered, or should the address of the inventor be unknown, notice of the filing or the application shall be published in the *Official Gazette*. The inventor may subsequently join in the application on filing an oath or declaration of the character required by § 1.65. ▶ 1.63. A patent may be granted to the inventor upon a showing satisfactory to the Commissioner.

15. A new § 1.48 is proposed to be added to read as follows:

▶ § 1.48 Correction of inventorship.

If the correct inventor or inventors are not named in an application for patent through error without any deceptive intention, the application may be amended to name only actual inventor or inventors. Such amendment must be diligently made and must be accompanied by (1) a petition including a statement of facts verified by the original named inventor or inventors establishing when the error without deceptive intention was discovered and how it occurred; (2) an oath or declaration by each actual inventor or inventors as required by § 1.63; (3) the fee set forth in § 1.17(h); and (4) the written consent of any assignee. ◀

16. Section 1.51 is proposed to be amended by revising paragraphs 1.51(a)(2) and (b) to read as follows:

§ 1.51 General requisites of an application.

(a) * * *

(2) An oath or declaration, see §§ 1.65, ▶ 1.63, and 1.68. * * *

(b) Applicants are encouraged to file a [prior art] ▶ material information disclosure statement [at the time of filing the application or within three months thereafter]. See §§ 1.97 through 1.99.

17. Section 1.52 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.52 Language, paper, writing, margins.

(c) Any interlineation, erasure, [or] cancellation or other alteration of the application papers [as] filed must ▶ be ◀ [have been] made before the ▶ signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. No such alterations in the application papers are permissible after the signing of an oath or declaration referring to those application papers (§ 1.56(c)). After the signing of the oath or declaration referring to the application papers amendments may only be made in the manner provided by §§ 1.121 and 1.123-1.125. ◀ [application was signed and sworn to or declaration made, and should be dated and initialed or signed by the applicant in marginal note or footnote on the same sheet or paper to indicate such fact. No such alterations are permissible after execution of the application papers. (See § 1.56.)]

18. Section 1.53 is proposed to be revised to read as follows:

§ 1.53 ▶ Serial number, filing date, and completion of application ▶ [Application accepted and filed for examination only when complete].

(a) ▶ Any application for a patent received in the Patent and Trademark Office will be assigned a serial number for identification purposes. ◀ [An application for a patent will not be accepted and placed upon the files for examination until all its required parts complying with the rules relating thereto, are received, except that certain minor informalities may be waived subject to subsequent correction whenever required].

(b) ▶ The filing date of an application for patent is the date on which (1) a specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and (2) any drawing required by § 1.81(a), are received in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date (§ 1.118). ◀ [If the papers and parts are incomplete, or so defective that they cannot be accepted as a complete application for examination, the applicant will be notified; the papers will be held six months for completion and, if not by then completed, will thereafter be returned or otherwise

disposed of; the fee, if submitted, will be refunded.]

▶ (c) If any application is received without the specification or drawing required by paragraph (b) of this section, applicant will be so notified and given a time period within which to submit the omitted specification or drawing in order to obtain a filing date as of the date of receipt of such submission. If the omission is not corrected within the time period set, the application will be returned or otherwise disposed of; the fee, if submitted, will be refunded less a \$50.00 handling fee. ◀

▶ (d) If an application which has been accorded a filing date pursuant to paragraph (b) of this section does not include the appropriate filing fee or an oath or declaration by the applicant, applicant will be so notified and given a period of time within which to file the fee, oath, or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application. The notification pursuant to this paragraph may be made simultaneously with any notification pursuant to paragraph (c) of this section. ◀

▶ (e) An application for a patent will not be placed upon the files for examination until all its required parts, complying with the rules relating thereto, are received, except that certain minor informalities may be waived subject to subsequent correction whenever required. ◀

▶ (f) The filing date of an international application designating the United States of America shall be treated as the filing date in the United States of America under PCT Article 11(3), except as provided in 35 U.S.C. 102(e). ◀

19. Section 1.54 is proposed to be revised to read as follows:

§ 1.54 Parts of application to be filed together ▶; filing receipt ◀.

▶ (a) ◀ It is desirable that all part of the complete application be deposited in the Office together; otherwise a letter must accompany each part, accurately and clearly connecting it with the other parts of the application. ▶ See § 1.53 with regard to completion of an application. ◀

▶ (b) Applicant will be informed of the application serial number and filing date by a filing receipt. ◀

20. Section 1.55 is proposed to be revised to read as follows:

§ 1.55 ▶ Claim for foreign priority ◀
[Serial number and filing date of application]

[(a) Complete applications are numbered in regular order, and the applicant will be informed of the serial number and filing date of the application by a filing receipt. The filing date of the application is the date on which the complete application, acceptable for placing on the files for examination is received in the Patent and Trademark Office; or the date on which the last part completing such application is received in the case of an incomplete or defective application completed within six months.]

[(b)] ▶ (a) ◀ An applicant may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U.S.C. 119. The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by [§ 1.65] ▶ § 1.63 ◀. The claim for priority and the certified copy of the foreign application specified in the second paragraph of 35 U.S.C. 119 must be filed in the case of interference (§ 1.224); when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner; and in all other cases they must be filed not later than the date the issue fee is paid. If the papers filed are not in the English language, a translation need not be filed except in the three particular instances specified in the preceding sentence, in which event a sworn translation or a translation certified as accurate by a sworn or official translator must be filed. If the priority papers are submitted after the date the issue fee is paid, they must be accompanied by a petition requesting their entry and the fee set forth in § 1.17(i).

[(c)] ▶ (b) ◀ An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended July 28, 1972), the applicant or his attorney or agent, when submitting a claim for such right as specified in paragraph (b) of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he ▶ or she ◀ has satisfied himself ▶ or herself ◀ that to the best of his ▶ or her ◀ knowledge the applicant, when filing his ▶ or her ◀

application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

[(d) The filing date of an international application designating the United States of America shall be treated as the filing date in the United States of America under PCT Article 11(3), except as provided in 35 U.S.C. 102(e).]

21. Section 1.56 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.56 Duty of disclosure; striking of applications.

* * * * *

(c) Any application may be stricken from the files if: (1) [Signed or sworn to] ▶ An oath or declaration pursuant to § 1.63 is signed ◀ in blank, or without actual inspection ▶ and review ◀ by the applicant ▶ as required by § 1.63(b) ◀; or (2) ▶ If application papers filed in the Office are altered ◀ [Altered or partly filled in] after ▶ the signing of an oath or declaration pursuant to § 1.63 referring to those application papers ◀ [being signed or sworn to].

* * * * *

22. Section 1.57 is proposed to be removed.

[§ 1.57 Signature]

(a) The application must be signed by the applicant in person. The signature to the oath or declaration under § 1.65 will be accepted as the signature to the application provided the oath or declaration under § 1.65 is attached to and refers to the specification and claims to which it applies. Otherwise the signature must appear at the end of the specification after the claims.

(b) The signature to the oath or declaration under § 1.70 will be accepted as the signature to the application provided the oath or declaration under § 1.70 specifically refers to the specification and claims to which it applies.

(c) Full names must be given, including at least one given name without abbreviation together with any other given name or initial.]

23. Section 1.59 is proposed to be revised to read as follows:

§ 1.59 Papers of [complete] application ▶ with filing date ◀ not to be returned.

Papers in [a complete] ▶ an ◀ application ▶ which has received a filing date pursuant to § 1.53 ◀ [including the drawings,] will not be returned for any purpose whatever. If applicants have not preserved copies of the papers,

the Office will furnish copies at the usual cost.

24. Section 1.60 is proposed to be revised to read as follows:

§ 1.60 ▶ Continuation or divisional ◀ [Continuing] application for invention disclosed and claimed in a prior application.

A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121), which discloses and claims only subject matter disclosed in a prior application may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application. If the application papers comprise a copy of the prior application as filed, signing and execution by the applicant may be omitted provided the copy [either] is [prepared and certified by the Patent and Trademark Office or is prepared] ▶ supplied ◀ by the applicant and verified by an affidavit or declaration by the applicant, ▶ or ◀ his ▶ or her ◀ attorney or agent, stating that it is a true copy of the prior application as filed. [Certification may be omitted if the copy is prepared by and does not leave the custody of the Patent and Trademark Office.] Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting the filing date.

25. A new § 1.63 is proposed to be added to read as follows:

▶ § 1.63 Oath or declaration.

(a) An oath or declaration filed under § 1.51(a)(2) as a part of an application must

(1) be executed in accordance with either § 1.66 or § 1.68;

(2) identify the specification to which it is directed;

(3) identify each inventor and the residence and country of citizenship of each inventor; and

(4) state whether the inventor is a sole or joint inventor of the invention claimed.

(b) In addition to meeting the requirements of paragraph (a), the oath or declaration must state that the person making the oath or declaration

(1) Has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration;

(2) Believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought; and

(3) Acknowledges the duty to disclose information which is material to the examination of the application in accordance with § 1.56(a).

(c) In addition to meeting the requirements of paragraphs (a) and (b) of this section, the oath of declaration in any application in which a claim for foreign priority is made pursuant to § 1.55 must identify the first filed foreign application for patent or inventor's certificate by specifying the application number, country, day, month and year of its filing.

(d) In any continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, the oath or declaration must also state that the person making the oath or declaration acknowledges the duty to disclose material information (including any foreign patenting, publication, or public use or sale in the United States of the subject matter of the prior application which occurred more than one year prior to the national or PCT international filing date of the continuation-in-part application). ◀

26. A new § 1.64 is proposed to be added to read as follows: ▶

§ 1.64 Person making oath or declaration.

(a) The oath or declaration must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43, or 1.47.

(b) If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor and, upon information and belief, the facts which the inventor is required to state. ◀

27. Section 1.65 is proposed to be removed.

§ 1.65 Oath or declaration.

(a)(1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in

any printed publication in any country before his invention or more than one year prior to his application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. He must acknowledge a duty to disclose information he is aware of which is material to the examination of the application. He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country.

(2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68. See § 1.153 for design cases and § 1.162 for plant cases.

(b) If the application is made as provided in §§ 1.42, 1.43, or 1.47, the applicant shall state his relationship to the inventor and, upon information and belief, the facts which the inventor is required by this section to state.

(c) An additional statement may be required if the application has not been filed in the Patent and Trademark Office within a reasonable time after execution of the original statement. ▶

28. Section 1.67 is proposed to be revised to read as follows:

§ 1.67 Supplemental oath or declaration [for matter not originally claimed].

(a) ▶ A supplemental oath or declaration meeting the requirements of § 1.63 may be required to be filed to correct any deficiencies or inaccuracies present in an earlier filed oath or declaration. ◀ [When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statement of invention or claim originally presented, he shall file a supplemental oath or declaration to the effect that the subject matter of the proposed amendment was part of his invention: That he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, or

patented or described in any printed publication in any country before his invention or discovery thereof, or more than one year before his application, or in public use or on sale in the United States for more than one year before the date of his application, that said invention has not been patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application in this country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned. Such supplemental oath or declaration should accompany and properly identify the proposed amendment, otherwise the proposed amendment may be refused consideration. ▶]

(b) ▶ A supplemental oath or declaration meeting the requirements of § 1.63 must be filed (1) when a claim is presented for matter originally shown or described but not substantially embraced in the statement of invention or claims originally presented, and (2) when an oath or declaration submitted in accordance with § 1.53(d) after the filing of the specification and any required drawings specifically and improperly refers to an amendment which includes new matter. No new matter may be introduced into an application after its filing date even if a supplemental oath or declaration is filed (§ 1.53(b); § 1.118). ◀ In proper cases the oath or declaration here required may be made on information and belief by an applicant other than inventor.

29. Section 1.69 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.69 Foreign language oaths and declarations.

(b) Unless the text of any oath or declaration in a language other than English is a form provided or approved by the Patent and Trademark Office, it must be accompanied by a verified English translation, except that in the case of an oath or declaration filed under [§ 1.65] ▶ § 1.63 ◀, the translation may be filed in the Office no later than two months [after the filing date] ▶ from the date applicant is notified to file the translation. ◀

30. Section 1.70 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.70 Content of oath or declaration [relating to content of and amendment to an application] under 35 U.S.C. 371(c)(4).

(a) [(1)] When an applicant of an international application, if the inventor, desires to enter the national stage under 35 U.S.C. 371, he or she must file an oath or declaration in accordance with § 1.63. [specifically identify the international application and any amendments thereto and state that he or she has reviewed the referred to application and any amendments, and that he or she verily believes himself or herself to be the original and first inventor or discoverer of the process, machine, manufacturer, composition of matter, or improvement thereof, for which he or she solicits a patent; that he or she does not know and does not believe that the same was ever known or used in the United States of America before his or her invention or discovery thereof, and shall state of what country he or she is a citizen and where he or she resides and whether he or she is a sole or joint inventor of the invention claimed in his or her international application as filed or as amended. In every application the applicant must distinctly state that to the best of his or her knowledge and belief the invention has not been in public use or on sale in the United States of America more than one year prior to his or her international application, or patented or described in any printed publication in any country before his or her invention or more than one year prior to his or her international application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his or her international application on an application filed by himself or herself or his or her legal representatives or assigns. If any such application has been filed, the applicant shall name the country, in which the earliest such application was filed, and shall give the day, month, and year of its filing; he or she shall also identify by country and by day, month, and year of filing, every such foreign application filing, more than twelve months before the filing of international application].

[(2)] This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68.]

31. Section 1.77 is proposed to be amended by revising paragraphs (h) and (i) to read as follows:

§ 1.77 Arrangement of application elements.

The elements of the application should appear in the following order:

- (h) [Signature. (See § 1.57)]
- ▶ Abstract of the disclosure. ◀
- (i) [Abstract of the disclosure.]
- ▶ Signed oath or declaration. ◀

32. Section 1.97 is proposed to be revised to read as follows:

§ 1.97 Filing of ▶ material information disclosure ◀ [prior art] statement.

(a) As a means of complying with the duty of disclosure set forth in § 1.56, applicants are encouraged to file a ▶ material information disclosure ◀ [prior art] statement at the time of filing the application or within three months thereafter ▶ if the filing receipt has been received. If the filing receipt has not been received within three months after the time of filing, the disclosure statement should be submitted within two months after receiving the filing receipt. If filed separately, the disclosure statement should include the Group Art Unit to which the application is assigned as indicated on the filing receipt. The statement may either be separate from the specification or may be incorporated therein.

(b) The statement shall serve as a representation that the ▶ material information ◀ [prior art] listed therein includes, in the opinion of the person filing it, ▶ all of the material information ◀ [the closest prior art] of which that person is aware; the statement shall not be construed as a representation that a search has been made or that no ▶ other material information ◀ [better art] exists.

33. Section 1.98 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.98 Content of ▶ material information disclosure ◀ [prior art] statement.

(a) Any statement filed under § 1.97 or § 1.99 shall include: (1) A listing of patents, publications or other information and (2) a concise explanation of the relevance of each listed item. The statement shall be accompanied by a copy of each listed patent or publication or other item of information in written form or of at least the portions thereof considered by the person filing the statement to be pertinent. ▶ All United States patents listed should be identified by their patent numbers, patent dates and names of the patentees. Each foreign published application or patent should be cited by

identifying the country or office which issued it, the document number and publication date. Each printed publication should be identified by author (if any), title, date, pages and place of publication. ◀

34. Section 1.99 is proposed to be revised to read as follows:

§ 1.99 Updating of ▶ material information disclosure ◀ [prior art] statement.

If prior to issuance of a patent an applicant, pursuant to his ▶ or her ◀ duty of disclosure under § 1.56, wishes to bring to the attention of the Office additional patents, publications or other information not previously submitted, the additional information should be submitted to the Office with reasonable promptness. It may be included in a supplemental ▶ material information disclosure ◀ [prior art] statement or may be incorporated into other communications to be considered by the examiner. Any transmittal of additional information shall be accompanied by explanations of relevance and by copies in accordance with the requirements of § 1.98.

35. Section 1.101 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.101 Order of examination.

(a) Applications filed in the Patent and Trademark Office and accepted as complete applications [(§§ 1.53 and 1.55)] are assigned for examination to the respective examining groups having the classes of inventions to which the applications relate. Applications shall be taken up for examination by the examiner to whom they have been assigned in order in which they have been filed except for ▶ those applications in which examination has been advanced pursuant to § 1.102 and ◀ those applications in which the Office has accepted a request ▶ for waiver of patent rights ◀ filed under § 1.139 ▶ which are not examined on the merits ◀.

36. Section 1.118 is proposed to be revised to read as follows:

§ 1.118 Amendment of disclosure.

▶ (a) No amendment shall introduce new matter into the disclosure of an application after the filing date of the application (§ 1.53(a)). All amendments to the specification, including the claims, and the drawings filed after the filing date of the application ◀ [In original applications, all amendments of the drawings or specifications, and all additions thereto,] must conform to at least one of them as it was at the time of

the filing of the application. Matter not found in either, involving a departure from or an addition to the original disclosure, cannot be added to the application after its filing date even though supported by [a supplemental oath, and can be shown or claimed only in a separate application] an oath or declaration in accordance with § 1.63 or § 1.67 filed after the filing date of the application.

(b) If it is determined that an amendment filed after the filing date of the application introduces new matter, claims containing new matter will be rejected and deletion of the new matter in the specification and drawings will be required even if the amendment is accompanied by an oath or declaration in accordance with § 1.63 or § 1.67.

37. Section 1.123 is proposed to be revised to read as follows:

§ 1.123 Amendments to the drawing.

(a) No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by [the Office.]

bonded draftsmen, at applicant's expense. A sketch in permanent ink showing proposed changes, to become part of the record, must be filed for approval by the examiner. The paper requesting amendments to the drawing should be separate from other papers.

(b) Substitute drawings will not ordinarily be admitted in any case unless required by the Office.

38. Section 1.125 is proposed to be revised to read as follows:

§ 1.125 Substitute specification.

If the number or nature of the amendments shall render it difficult to consider the case, or to arrange the papers for printing or copying, the examiner may require the entire specification or claims, or any part thereof, to be rewritten. A substitute specification may [will ordinarily] not be accepted unless it has been required by the examiner or unless it is clear that acceptance of a substitute specification would facilitate processing of the application. Any substitute specification filed must be accompanied by a statement that the substitute specification includes no new matter. Such statement must be a verified statement if made by a person not registered to practice before the Office.

39. Section 1.131 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.131 Affidavit or declaration of prior invention to overcome cited patent or publication.

(a) When any claim of an application or a patent under reexamination is rejected on reference to a domestic patent which substantially shows or describes but does not claim the rejected invention, or on reference to a foreign patent or to a printed publication, and the applicant or the owner of the patent under reexamination shall make oath or declaration as to facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, then the patent or publication cited shall not bar the grant of a patent to the applicant or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication [be] is more than one year prior to the date on which the applicant's or patent owner's application was filed in this country.

40. Section 1.132 is proposed to be revised to read as follows:

§ 1.132 Affidavits or declarations traversing grounds of rejection.

When any claim of an application or a patent under reexamination is rejected on reference to a domestic patent which substantially shows or describes but does not claim the invention, or on reference to a foreign patent, or to a printed publication, or to facts within the personal knowledge of an employee of the Office, or when rejected upon a mode or capability of operation attributed to a reference, or because the alleged invention is held to be inoperative or lacking in utility, or frivolous or injurious to public health or morals, affidavits or declarations traversing these references or objections may be received.

41. Section 1.137 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.137 Revival of abandoned application.

(b) An application unintentionally abandoned for failure to prosecute, except pursuant to § 1.53(d), may be revived as a pending application if the delay was unintentional. A petition to revive an unintentionally abandoned application must be filed within one year of the date on which the application became abandoned or be filed within three months of the date of the first decision on a petition to revive

under paragraph (a) of this section which was filed within one year of the date of abandonment of the application. A petition to revive an unintentionally abandoned application must be accompanied by (1) a statement that the abandonment was unintentional, (2) a proposed response unless it has been previously filed, and (3) a petition fee as set forth in § 1.17(m). Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the abandonment was unintentional. The three month period set forth in this paragraph may be extended under the provisions of § 1.136(a), but no further extensions under § 1.136(b) will be granted. Petitions to the Commissioner under § 1.183 to waive any time periods for requesting revival of an unintentionally abandoned application will not be considered, but will be returned to the applicant.

42. Section 1.141 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.141 Different inventions in one application.

(b) A group of claims of different categories in an application so linked as to form a single inventive concept are considered to be one invention. In particular any of the following groupings of claims of different categories may be included in the same application:

(1) In addition to a claim for a given product,

(i) A claim for one process specially adapted for the manufacture of the said product, [as where] for example, where the process of making as claimed cannot be used to make other and materially different products and the product as claimed cannot be made by another and materially different process;

(ii) A claim for one specially adapted use of the said product, [as where] for example, where said use as claimed cannot be practiced with another materially different product and the product as claimed cannot be used in a materially different process of using; or

(iii) Both (b)(1)(i) and (ii);

(2) In addition to a claim for a given process, a claim for one apparatus or means specifically designed for carrying out of the said process, [that is, it] for example, where the apparatus cannot be used to practice another

materially different process ► and the process cannot be practiced by another materially different apparatus or by hand ◄.

43. Section 1.153 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.153 Title, description and claim, oath or declaration.

(b) The oath or declaration required of the applicant must comply with § [1.65] ► 1.63 ◄ except that the period of twelve months specified therein with respect to foreign applications is six months in the case of designs.

44. Section 1.154 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1.154 Arrangement of specification.

The following order of arrangement should be observed in framing design specifications:

(e) [Signature of applicant. (See § 1.57)] ► Signed oath or declaration (See § 1.153(b)). ◄

45. Section 1.162 is proposed to be revised to read as follows:

§ 1.162 Applicant, oath or declaration.

The applicant for a plant patent must be the person who has invented or discovered and asexually reproduced the new and distinct variety of plant for which a patent is sought (or as provided in §§ 1.42, 1.43, and 1.47). The oath or declaration required of the applicant, in addition to the averments required by § [1.65] ► 1.63 ◄, must state that he ► or she ◄ has asexually reproduced the plant. Where the plant is a newly found plant the oath or declaration must also state that it was found in a cultivated area.

46. Section 1.163 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.163 Specification.

(b) Two copies of the specification (including the claim) must be submitted, but only one [need be] signed ► oath or declaration is required. The ◄ [and executed; the] second copy ► of the specification ◄ may be a legible carbon copy of the original.

47. Section 1.172 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.172 Applicants, assignees.

(a) Reissue [applications] ► oaths ◄ must be signed and sworn to or declaration made by the inventors

except as otherwise provided (see §§ 1.42, 1.43, 1.47), and must be accompanied by the written assent of all assignees, if any, owning an undivided interest in the patent, but a reissue [application] ► oath ◄ may be made and sworn to or declaration made by the assignee of the entire interest if the application does not seek to enlarge the scope of the claims of the original patent.

48. Section 1.174 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.174 Drawings.

(a) The drawings upon which the original patent was issued may be used in reissue applications if no changes whatsoever are to be made in the drawings. In such cases, when the reissue application is filed, the applicant must submit a temporary drawing which may consist of a copy of the printed drawings of the patent or a photoprint of the original drawings [securely mounted by pasting on sheets of drawing board] of the size required for original drawing [or an order for the same].

49. Section 1.175 is proposed to be amended by revising the introductory text of paragraph (a) to read as follows:

§ 1.175 Reissue oath or declaration.

(a) Applicants for reissue, in addition to complying with the requirements of [the first sentence of § 1.65] ► § 1.63 ◄, must also file with their applications a statement under oath or declaration as follows:

50. Section 1.301 is proposed to be revised to read as follows:

§ 1.301 Appeal to U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party to an interference dissatisfied with the decision of the Board of Patent Interferences, may appeal to the U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office give notice to the Commissioner and file the reasons of appeal (see §§ 1.302 and 1.304); (b) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the

Court by the Patent and Trademark Office on order of and at the expense of the appellant.

Such order should be filed with the notice of appeal, but in no case should it be filed later than 15 days thereafter.

51. Section 1.302, paragraph (a), is proposed to be revised to read as follows:

§ 1.302 Notice and reasons of appeal.

(a) When an appeal is taken to the U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄, the appellant shall give notice thereof to the Commissioner, and file in the Patent and Trademark Office, within the time specified in § 1.304, his ► or her ◄ reasons of appeal specifically set forth in writing.

52. Section 1.303 is proposed to be revised to read as follows:

§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.

(a) Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄ (§ 1.301), have remedy by civil action under 35 U.S.C. 145 or 146, as appropriate. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case or an owner of a patent involved in a reexamination proceeding has taken an appeal to the U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄, he or she thereby waives his or her right to proceed under 35 U.S.C. 145.

(c) If a defeated party to an interference proceeding has taken an appeal to the U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court (§ 1.302), file notice with the Commissioner that he or she elects to have all further proceedings conducted as provided in 35 U.S.C. 146, certified copies of such notices will be transmitted to the U.S. Court of [Customs and Patent] Appeals ► for the Federal Circuit ◄ for such action as may be necessary. The notice of election must be served as provided in § 1.248.

53. Section 1.324 is proposed to be revised to read as follows:

§ 1.324 Correction of inventorship in patent.

Whenever a patent is issued and it appears that ► the correct inventor or ◄ [there was a misjoinder or nonjoinder of] inventors ► were not named through ◄ [and that such misjoinder or omission occurred by] error [and] without deceptive intention, the Commissioner may, on petition of all the parties and the assignees and satisfactory proof of the facts and payment of the fee set forth in § 1.20(b), or on order of a court before which such matter is called in question, issue a certificate ► naming only the actual inventor or inventors ◄ [deleting the misjoined inventor from the patent or adding the non-joined inventor to the patent].

54. Section 1.325 is proposed to be revised to read as follows:

§ 1.325 Other mistakes not corrected.

Mistakes other than those provided for in §§ 1.322, 1.323, 1.324, and not affording legal grounds for reissue ► or for reexamination, ◄ will not be corrected after the date of the patent.

55. A new § 1.335 is proposed to be added to read as follows:

► § 1.335 Filing of notice of arbitration awards.

(a) Written notice of any award by an arbitrator pursuant to 35 U.S.C. 294 must be filed in the Patent and Trademark Office by the patentee, or the patentee's assignee or licensee. If the award involves more than one patent a separate notice must be filed for

placement in each patent. The notice must set forth the patent number, the names of the inventor and patent owner, and the names and addresses of the parties to the arbitration. The notice must also include a copy of the award.

(b) If an award by an arbitrator pursuant to 35 U.S.C. 294 is modified by a court, the party requesting the modification must file in the Patent and Trademark Office, a notice of the modification for placement in each patent to which the modification applies. The notice must set forth the patent number, the names of the inventor and patent owner, and the names and addresses of the parties to the arbitration. The notice must also include a copy of the court's order modifying the award.

(c) Any award by an arbitrator pursuant to 35 U.S.C. 294 shall be unenforceable until any notices required by paragraph (a) or (b) of this section are filed in the Patent and Trademark Office. If any required notice is not filed by the party designated in paragraph (a) or (b) of this section, any party to the arbitration proceeding may file such a notice. ◄

56. Section 1.565 is proposed to be amended by adding a new paragraph (e) to read as follows:

§ 1.565 Concurrent office proceedings.

► (e) If a claim of a patent in the process of reexamination is rejected based upon a United States patent which claims the same invention, the patent owner will be given a specified

time within which to file a reissue application in order to seek an interference pursuant to § 1.205, if appropriate. The failure or refusal of the patent owner to file a reissue application for purposes of seeking an interference, where appropriate, shall be taken as a disclaimer of the invention covered by the claim under rejection and will result in cancellation of the claim in the reexamination certificate issued pursuant to 35 U.S.C. 307 and § 1.570. ◄

PART 5—[AMENDED]

57. Section 5.12 is proposed to be revised to read as follows:

§ 5.12 Petition for license.

► (a) Filing of an application for patent for inventions made in the United States will be considered to include a petition for license under 35 U.S.C. 184 for the subject matter of the application. The filing receipt will indicate if a license is granted. If the initial automatic petition is not granted, a subsequent petition may be filed under paragraph (b) of this section.

(b) ◄ Petitions for license under 35 U.S.C. 184 should be presented in letter form and should include petitioner's address, and full instructions for delivery of the requested license when it is to be delivered to other than the petitioner.

Date: September 30, 1982.

Gerald J. Mossinghoff,
Commissioner of Patents and Trademarks.

[FR Doc. 82-29287 Filed 10-26-82; 8:45 am]

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1982 Federal Register

Wednesday
October 27, 1982

Part III

Department of the Interior

Minerals Management Service

Oil and Gas Operating Regulations; Final
Rule

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Minerals Management Service, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the regulations governing the exploration, development, and production of oil and gas from onshore Federal and restricted Indian leases. The final regulations revise and modernize the regulations in 30 CFR Part 221 which were last promulgated in their entirety in 1942. The revised regulations (1) eliminate unnecessary items, (2) reflect advances in technology, (3) incorporate provisions for environmental protection, (4) recognize applicable Department opinions and policy directives, (5) provide for more meaningful enforcement actions, and (6) segregate the royalty provisions from those relating to operational matters.

EFFECTIVE DATE: November 26, 1982.

ADDRESS: Associate Director for Onshore Minerals Operations, Minerals Management Service, 12203 Sunrise Valley Drive, Reston Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860-7535, (FTS) 928-7535, or Mr. Stephen H. Spector, (703) 860-8259, (FTS) 928-6259.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Mr. Gerald R. Daniels, Acting Assistant Chief, Onshore Fluid Minerals Division; Mr. C. J. Curtis, Office of the Deputy Minerals Manager for Oil and Gas, North Central Region; Mr. Frank A. Salwerowicz, Deputy Minerals Manager for Oil and Gas, Central Region; Mr. Thomas E. Godfrey, Acting District Supervisor, Jackson, Mississippi; Mr. Raymond W. Vinyard, Drilling Unit Supervisor, Tulsa, Oklahoma; and Mr. Stephen H. Spector, Onshore Fluid Minerals Division, assisted by the Office of the Solicitor.

The Minerals Management Service's (MMS) predecessor, the Conservation Division of the U.S. Geological Survey, published these regulations as Proposed Rulemaking on November 17, 1981 (46 FR 56564). Comments were invited for 30 days and, in response to several petitions, were extended for an additional 30 days ending January 18, 1982. Comments were received from 44 separate entities and individuals, including 2 from oil and gas industry associations, 23 from oil and gas lessees and operators, 6 from Indian Tribes and

Indian representatives, 3 from State governments, 1 from a general member of the public, and several from offices within the Department of the Interior. In addition, the Commission on Fiscal accountability of the Nation's Energy Resources (Linowes Commission), established by the Secretary of the Interior in July 1981 to investigate theft and other alleged shortcomings in the accountability of production from Federal and Indian oil and gas leases, provided a draft of its report for inclusion as comments in this rulemaking. Specific discussion concerning the adoption of recommendations of the Commission which relate to sections of the regulations already under review is covered herein. However, the majority of the report deals with royalty requirements which are not the subject of this rulemaking, and those comments will be addressed in a separate rulemaking relating to royalty accounting provisions for all leasable minerals.

The following discussion relates to some general comments which did not concern any one specific section.

One general change which has been included in this rulemaking is the revision of responsible officials' titles to reflect the creation of the Minerals Management Service on January 19, 1982 (47 FR 4751). These title changes do not change or alter the basic responsibility of these officials except for those detailed in the definitions section.

Several commenters were concerned by the reservation of specific numbers in the regulations without explanation of future use. The Federal Register recommends the listing of any number not used, and it has been deemed desirable to set apart general categories of the rules. With regard to current royalty requirements, this rulemaking restates the portions of provisions which relate to royalty requirements, without change, except to renumber them beginning with § 221.100. It is anticipated that eventually royalty requirements for all leased commodities will utilize the same numbering within applicable parts of the regulations of the MMS. This numbering change also resulted in other section number changes from those in proposed rulemaking.

For the convenience of lessees and operators and the public, the following chart shows the old and new royalty section numbers:

New	Old
221.100	221.12
221.101	221.13

New	Old
221.102	221.35 (portion of)
221.103	221.38
221.104	221.39 (portion of)
221.105	221.40 (portion of)
221.106	221.43(d)
221.107	221.44 (portion of)
221.108	221.45 (portion of)
221.109	221.46
221.110	221.47
221.111	221.48
221.112	221.49
221.113	221.50
221.114	221.51
221.115	221.52
221.116 (a) and (b)	221.54 (f) and (j)
221.117	221.60
221.118	221.61
221.119	221.62
221.120	221.63
221.121	221.64
221.122	221.65
221.123	221.80

The proposed rulemaking omitted any reference to the naval petroleum reserves or the jurisdiction of the Department of Energy (DOE). Since these regulations could be incorporated by reference by DOE, it was originally deemed inappropriate to reference DOE authority herein. However, the Director, Naval Petroleum and Oil Shale Reserve, has requested that the references to both naval petroleum reserves and the Secretary of Energy be reinserted for the present time. The Administration is proposing legislation which would transfer the naval petroleum reserves to the jurisdiction of the Secretary of the Interior. In view thereof, further responsibility for the oil and gas operations on the naval petroleum reserves is still uncertain and eventually may be more directly subject to these rules. Therefore, it is determined that these references should be continued as they were shown in the Final Rulemaking of December 1, 1981 (46 FR 58304). That final rulemaking also added the references to the National Petroleum Reserve-Alaska (NPR-A) to Part 221. Comments were invited concerning the decision not to promulgate a separate part of the CFR for NPR-A operations, even though leasing would be under a separate authority. Only one commenter specifically addressed this point, and the comment supported the single operating regulation concept. Therefore, no change is made.

Eight of the Linowes Commission recommendations addressed points which had already been considered in this rulemaking. Changes in the proposed rules have been made for clarification and to focus more specifically on these eight Linowes recommendations. One of these recommendations (Production start-up notification) would require the lessee to notify the Department of new production start-up. Wording has been added to

§ 221.32(c) to require notice of new production start-up. This allows specifics, such as time frames and method of notification, to be detailed in applicable orders or notices.

A second recommendation (Verification of production and sales) suggested that well test data, run tickets, and LACT meter readings be obtained on a sample basis. Well test data are required under § 221.26, and the language has been expanded to specify quantity as well as quality. In § 221.36(c) (Run tickets), specific procedures have been eliminated and replaced with a statement that run tickets must be completed in accordance with applicable notices and orders. This allows flexibility in dealing with the differing situations on Federal and Indian leases while being more in keeping with the needs of a general rulemaking. Refinements of an existing notice are expected to be promulgated shortly by MMS in the form of a revised notice or order.

With regard to site security, the Commission recommended elimination of detailed regulatory requirements and advocated placing responsibility for site security on the lessee through a lessee-prepared site security plan. Several sections of the proposed rulemaking dealt with aspects of site security, and, where necessary, changes have been made to reflect the Commission's recommendations.

Section 221.20 (General requirements) now specifies that the lessee is responsible for site security, while § 221.32 (Well records and reports) now requires schematic diagrams to be maintained by the operator. As a corollary, § 221.34 (Measurement of oil) and § 221.35 (Measurement of gas) have been expanded to include submission of a schematic diagram within 30 days of installation or modification of facilities. To emphasize site security, a new § 221.37 (Site security) has been added and the elements of the proposed rulemaking which related to seals included within this general section.

Two of the seven Commission recommendations concerning enforcement of regulations are implemented in this rulemaking. These two recommendations suggest that shut-in authority be used in cases of serious site security noncompliance and that the Secretary pursue lease cancellation if necessary. Section 221.61 (now 221.51) now specifically authorizes the Supervisor to order a well or operations shut-in for repeated instances of noncompliance, and § 221.62 (now § 221.53) emphasizes the Secretary's authority to cancel leases for repeated

violations while providing for initiation of action by MMS.

Cooperative agreements with States and Indian Tribes for purposes of inspection, audits, and training were also advocated by the Commission. Although cooperative agreements relating to these topics and technical assistance are an ongoing process and in some instances may require specific statutory authority, language has been added in § 221.11 (Responsibility of the Deputy Minerals Manager) to provide the DMM's with some authority and responsibility to provide technical advice and information and to negotiate and consummate cooperative agreements.

A number of comments suggested that records be made available to the Indians, whether Tribes, owners, lessors, or individual allottees. Further, many of the commenters requested that the MMS send copies of each document directly to the Indian owner to assure that they receive records of all actions taken, and further, that no action be taken until the Indian owner has concurred.

The MMS has not adopted these suggestions for inclusion in the oil and gas operating regulations. Since these regulations apply to the performance of work on oil and gas leases and to the exercise of the Secretary of the Interior's trust responsibility to supervise those operations on behalf of the Indian's interest, inclusion of policy matters such as those requested by the commenters would be out of place. Such matters would be better addressed by directives such as the Minerals Management Service operations manual or specific instructions.

The MMS will continue the U.S. Geological Survey's (USGS) policy of maintaining complete openness of its files and records to any authorized representative of an Indian Tribe or Indian Allottee. These are available for examination at any of the MMS field offices. However, we hope that requests for such data will be kept within reasonable bounds since many of the older records cover lease histories of 50 or more years and have been archived, and retrieval and/or reproduction may be time-consuming and expensive. The MMS also will continue past policy of providing documents pertaining to operations on Indian oil and gas leases to the appropriate Superintendent's office of the Bureau of Indian Affairs (BIA) since these offices are more convenient to the Indian lessor, or owner, and the BIA has a more thorough knowledge of the location and authority of the various tribal entities.

The request to withhold MMS approval of all documents submitted by operators until concurrence of the Indian owner is obtained is a marked departure from past policy. Considering the hundreds of required concurrences, especially on allotted Indian lands, MMS hesitates at present to adopt such a course of action since future operations could be paralyzed while attempting to obtain concurrence.

The following comments are listed under the section of the proposed regulation to which they relate.

Authority

One commenter stated that the authorities should be expanded to include all environmental laws which control operations on an oil and gas lease. While we agree that operations on a leasehold are subject to laws such as the National Historic Preservation Act, the Endangered Species Act, the Clean Water Act, and the Safe Drinking Water Act, to mention only a few, we do not believe they are the statutory authorities for promulgating these regulations. Because of the broad general provisions of §§ 221.20, 221.23 and 221.30, the National Environmental Policy Act of 1969 is cited as an authority. All other applicable laws must also be complied with and are generally cited as stipulations to the lease.

Definitions. [Section 221.2]

The separation of the MMS from the USGS resulted in changes in titles and realignment of some duties. For the purposes of this definition section, this change and a previous reorganization are both referred to as "the reorganization." Because of changes in alphabetical order of the definitions caused by changes, additions, and deletions, the definitions are now listed without any individual designation (i.e. (a), (b), etc.) as they appeared in the proposed rulemaking. Additional definitions appear at the end of this discussion. If no comments were received concerning the definition as published for comment, no change was made in the definition as proposed.

Conservation Manager. Due to the reorganization, the title is now "Minerals Manager."

Deputy Conservation Manager (DCM). Due to the reorganization, the title now appears as "Deputy Minerals Manager (DMM)." Several commenters requested that changes be made which will limit the DMM's approval authority for contractual agreements to those involving Federal leases (not Indian) and further limit such authority to

agreements between the Government and the lessees and not to agreements between lessees and/or operators. We agree that the DMM's authority for approval of contractual agreements is limited to only Federal lands (not Indian). However, we do not specifically limit the authority of the DMM with respect to agreements between lessees and/or operators since such authority never extended to those types of agreements, nor is there any intent herein to so extend that authority.

Designated Operator or Agent. Two commenters requested definition of the difference between designated operator and designated agent. We agree that the two terms in common usage cause confusion and therefore we have dropped "or Agent" from the definition. No other changes were made.

Director. The reorganization created the position of Director, Minerals Management Service, which is now the applicable definition of "Director." The definition formerly meant Director, U.S. Geological Survey.

District Supervisor (Supervisor). The only revision in this definition is to change DCM to DMM in the body of the text. Two commenters complained about confusion introduced by referring to the officer in charge of a district office as "the Supervisor" when the term "Supervisor," which appears in leases and other regulations, refers to a different officer with differing authority and responsibility. However, recommendations and comments by the Linowes Commission, which have been adopted by the Secretary, prescribe separation of some of the duties performed by the previously designated "Supervisor" as that title appears in leases and other regulations. The redefinition of officers and duties appearing in this rulemaking implements that decision.

Lease. Several commenters recommended defining the term more broadly to include both Federal and Indian leases. Clarifying changes have been made.

Notice to Lessees and Operators (NTL). Two commenters suggested that the definition be changed to provide an opportunity for comment before issuance of NTL's. This change has been made in § 221.15.

Oil. Although no comments were received, the definition has been revised to incorporate the statutory definition contained in the Combined Hydrocarbon Leasing Act of November 16, 1981. This definition was proposed by a separate rulemaking published in the Federal Register of May 12, 1982 (47 FR 20324).

Operator. No comments; only editorial changes made for clarity.

Paying well. Several comments were received on this definition. Some of the commenters felt that the definition was too restrictive while others felt it was too broad. After careful consideration, the definition was not altered except for minor editorial changes. This basic definition has served adequately for many years. For additional clarification and consistency of terms, a separate definition of "Production in paying quantities" has now been provided.

Waste of oil or gas. A single comment was received concerning the phrase "sanctioned by the Supervisor" and recommending that the Supervisor approve all such actions. The requested change was not made. Currently, the Supervisor may accept actions taken by State regulatory agencies without the need for formal approvals. Accordingly, the word "sanctioned" is believed to be appropriate.

Additions to the definition section (§ 221.2) resulted from comments requesting further clarification or from the reorganization. Additions are listed in their proper alphabetical order for inclusion in this final rulemaking.

Associate Director for Royalty Management. The reorganization established this new position which has authority and responsibility for royalty management functions formerly performed by the Supervisor.

Fresh water. Since MMS is responsible for protecting fresh water as well as protecting usable water as required by other regulations, we believed it advisable to define "fresh" water as water containing less than 1,000 p.p.m./t.d.s., and other usable waters as prescribed by NTL-2B.

Maximum ultimate economic recovery. Several commenters requested a definition of this term. That definition is provided.

Information collection. [Section 221.2-1]

Although this rulemaking does not revise any of the royalty requirements, it does restate all existing royalty requirements to avoid a lapse in the rules governing the collection of rents and royalties. As a result, the forms for royalty accounting are included in this section. A third royalty accounting form is listed which has been adopted for those cases transferred to the Royalty Accounting Center, Lakewood, Colorado, and consolidates two previous forms. It will eventually be used by all oil and gas payors. In the justification statement for the royalty accounting forms, one commenter recommended that the word "sales" may be too limiting to include royalty on

other transfers which may not be technically sales. The final phrase has been omitted from the sentence.

Several commenters reiterated the proposal originally made in comments on the Notice of Intent, to change the filing time on both forms 9-330 and 9-331 from 15 days to 30 days following completion. In considering this request, the recommendation of the Linowes Commission to require a notice of new production start-up was also evaluated. It has been determined that when adopted together, these two changes will provide the Supervisor a portion of the required information immediately and allow the lessee an additional 15 days to provide the remainder of the date.

The proposed rulemaking specifically requested comments on the information gathering requirements of the regulations which do not require the filing of specific forms. We received no comments specifically directed to these requirements. We have included a separate portion of § 221.2-1 which refers to the information collection requirements contained in the various sections of Part 221 which do not call for forms. The information collection approval data is listed later in this preamble.

Jurisdiction. [Section 221.10]

One commenter suggested that authority to supervise their own oil and gas operations be delegated to the Indian Tribes. The suggestion is not adopted as it is current policy that the Secretary's authority is now vested in the MMS, and these rules reflect the existing policy. Further discussion of the merits of the suggestion will be continued with those Tribes expressing interest in such a policy.

The only other comment suggested that the laws affecting Indian land leasing be cited in the "Authority Section" so that violations of 25 CFR Part 171 are also violations of 30 CFR Part 221. The citations under "Authority" beginning with 25 U.S.C. are the appropriate citations of existing law pertaining to Indian lands insofar as we can determine. However, we believe the regulations in Title 25 CFR and Title 30 CFR pertaining to oil and gas leasing and operations can and should be mutually exclusive though complementary for the most part as the responsibility for their administration is vested in different Agencies. In those areas where they do overlap or conflict, one or the other should prevail as is prescribed in 30 CFR 221.71.

Responsibility of the DMM. [Section 221.11]

One commenter suggested that the abbreviation "DCM" be spelled out at least once. We agree and have revised the heading. Several commenters advised that the DMM's authority to approve certain formal agreements on behalf of the Department of the Interior should be limited to those involving Federal oil and gas leases and should not include authority to approve formal agreements involving Indian oil and gas leases as that authority is vested in the Bureau of Indian Affairs. We agree and have made the appropriate changes.

Two commenters suggested that the delegation of authority to the DMM to approve gas storage agreements is appropriate, but that it conflicts with 43 CFR 3105.5-1 which provides that gas storage agreements be approved by the Secretary of the Interior. They suggested that the "conflicts" provision, 30 CFR 221.71, clearly prescribe that insofar as operational matters are concerned that 30 CFR Part 221 will prevail in the event of conflict. We agree and have made the appropriate change.

Several commenters questioned the meaning of the word "assess" as used in connection with compensatory royalty. They proposed several resolutions of the perceived problem with the terminology, and one suggested that the Associate Director for Royalty Management be responsible for assessment. We believe the term "assess" is proper and that it applies to the percentage of production from a well or wells on offsetting property which represents a loss of production from drainage from the leased land. We also believe that the DMM is the responsible officer for making the assessment. The pricing provisions applicable to regular production will be employed by the Associate Director for Royalty Management in computing and collecting the payment due.

One commenter suggested a time certain filing requirements be established for unit and communitization agreements (i.e., 90 days before the expiration date of the primary term of the first involved lease). While we agree that the principle involved might increase efficiency of processing these agreements, we do not believe this type of detail belongs in the regulations and have not made the requested change. If "11th hour" agreement filings are burdening all offices to the degree that they are interfering with processing of more timely filed agreements, it may become necessary to correct the situation via an operating order.

Two commenters suggested that local NTL's (Notices to Lessees and Operators) not be issued until after they have been published with an opportunity for comment since they perceive that additional reporting burdens or other requirements may be imposed. We agree that new notices will not be issued without opportunity for comment.

Many commenters objected to a provision in the proposed regulations pertaining to exploration and development contracts for restricted Indian lands, i.e., proposed as § 221.72. We agree with the comments and have deleted § 221.72. Also, the Linowes Commission recommended closer cooperation with Indian Tribes, State governments, and other Federal Agencies. In view of the foregoing, we have added a provision to § 221.11 which assigns responsibility to the DMM for providing technical information and advice relative to oil and gas exploration and development contracts and for negotiating and entering into cooperative agreements with the States, other Federal Agencies, and with Indian Tribes.

Responsibility of the Supervisor. [Section 221.12]

One commenter requested that the royalty provisions enumerated in various editions of lease terms and regulations be continued as the responsibility of the Supervisor. Another commenter suggested that the title be fully spelled out as District Supervisor to avoid confusion with past regulations and lease terms. We acknowledge that some confusion is probably engendered by the appearance of the same title with differing meanings in different documents. However, we believe that, as usage becomes more common, the confusion or problems will abate. Also, this rulemaking does not involve royalty matters. The royalty provisions are renumbered starting with § 221.100 and revised to show the Associate Director for Royalty Management as the responsible officer.

Two commenters suggested deletion of similar language appearing at §§ 221.12, 221.20, and 221.22 concerning environmental protection and maximum recovery. We agree that the language was repeated too often and have deleted it from § 221.22. However, we believe it is important to retain the language in both § 221.12 and § 221.20.

Responsibility of the Associate Director for Royalty Management. [Section 221.13]

These regulations did not propose changing any of the royalty provisions

previously existing in 30 CFR Part 221. The royalty provisions have been retained but renumbered commencing with § 221.100. However, since the duties formerly performed by the Conservation Division of the USGS have been transferred to the MMS with a realignment of duties, we believe it is important to change the royalty provisions to reflect the responsibility now vested in the Associate Director for Royalty Management.

Because of this change, we have added a section, i.e., § 221.13, to describe the duties of this newly designated officer and the corresponding reduction in responsibility of the Supervisor. Many leases still indicate that these duties are performed by the Supervisor.

In some cases, sections of the previous edition of the regulations contained both operational and royalty accounting provisions. The operational aspects are included in this rulemaking and revised. The royalty provisions will stand as written in the previous edition of the regulations but will be renumbered, the appropriate officer designated, and the operational provisions deleted.

Onshore oil and gas orders. [Section 221.13]

Only one comment was received regarding the oil and gas orders section (now § 221.14), and it suggested joint authority be given the Director, Office of Trust Responsibilities (of the Bureau of Indian Affairs), in approving orders that apply to Indian lands. We do not agree that such joint authority should be established by regulation. Most orders which apply to Indian lands will also apply to Federal lands which have four to five times the volume of operations. The MMS will certainly seek the advice and cooperation of the Director, Office of Trust Responsibility, in drafting and completing operating orders, but believes final authority and responsibility must rest with one or the other Agency. The authority and responsibility to supervise operations is vested in the MMS.

The MMS plans to issue operating orders as soon as possible after these regulations become final. Each order will be published in the *Federal Register* for comment before issuance in final form. The operating orders will serve as the main vehicle for detailing how these operating regulations will be implemented. Until such time as operating orders can be completed, thus superseding or cancelling the existing NTLs, it will be necessary to maintain

all current Notices to Lessees and Operators in effect.

Notices to lessees and other implementing procedures. [Section 221.15]

Several commenters expressed concern about future Notices to Lessees and Operators, their extent, the officers authorized to issue them, and the methods of issuance. We have added this section in response to those comments and to advise that: (1) The DMM may only issue NTLs after some form of notice and opportunity for comment by directly affected parties; (2) all existing NTLs will remain in effect until superseded or cancelled; and (3) internal guidance within MMS will be included in the operations manual or other written instructions.

General requirements. [Section 221.20]

The term "site security" was added to clarify and emphasize that site security of leasehold production is a general responsibility of the lessee. This is in accord with the recommendation of the Linowes Commission regarding site security.

Conduct of operations. [Section 221.21]

Several comments suggested that current requirements for designation of an operator be simplified and bond coverage correlated therewith. Bond coverage must be provided for each operation both on Federal and Indian leases. However, current BLM regulation in 43 CFR Part 3104 applicable to Federal leases do not authorize a designated operator to provide such bond. Modification of the appropriate provisions of 43 CFR Group 3100 has been recommended to allow operators either to (1) submit a "designation of operator" form where bond coverage is provided by the lessee(s) or approved holder(s) of operating rights, or (2) submit a letter certifying that the lessee(s) of record agrees to the designation and to having bond coverage provided by such designated operator. Evidence of actual notice to all lessees of record would be required. We will continue to work with BLM in seeking this modification.

A few comments suggested that a copy of any order, instruction, or notice specific to a lease be mailed to the lessee(s) as well as delivered to the local representative. We agree with this suggestion and have implemented it. Section 221.21 was also revised for editorial clarity and to specify that any contractor served a notice or order is the party responsible for the particular activity involved in the notice.

Drilling and producing obligations. [Section 221.22]

Several comments suggested that the general description of the lessee's drilling and producing obligations in the proposed § 221.22(a) was identical to similar language in other sections. We agree that there was duplication in the language and that the language, as proposed, was not consistent with lease terms relating to the lessee's drilling and producing obligations. Accordingly, the entire section has been revised to eliminate duplication and for consistency with the applicable lease provisions.

With regard to proposed § 221.22 (b) and (c), several comments suggested that language be included to provide the lessee an opportunity to submit evidence showing that drainage is not occurring under a specific lease. Language has been included to accomplish this. Suggestions were also made that language be added to specify the economic requirements that apply in determining whether compensatory royalty is assessed. These criteria are considered internal and this are not appropriate for inclusion in the regulations.

Drilling applications and plans. [Section 221.23]

Two comments suggested that § 221.23(a) be clarified to recognize the relationship between State spacing orders and the Federal jurisdiction on Indian lands and to include a reference to field rules. Changes were made to accommodate these suggestions. A suggestion that language be included to waive archeological clearance unless a proposed well is within a designated archeological site was not adopted because such procedure is not in accord with the applicable departmental regulations, 36 CFR Chapter VIII.

Section 221.23(c) was rewritten for clarity. It was suggested that an operator may stake a location at the time of filing a preliminary environmental review. This was not considered appropriate since such detail is more appropriate in an operating order. However, consideration is still being given to the suggestion in other streamlining efforts.

Seven commenters stated that some of the items detailed in § 221.23(d) were unnecessary or inappropriate for inclusion in regulations. We agree, and this section was modified to include only the principal operational and environmental items in the drilling plan. Details concerning the actual items which must be included in the plan are

included in applicable orders and notices.

It was suggested that § 221.23(d) be modified to allow the Supervisor to approve necessary changes in the drilling plan as needed. This was done. Language was also included to permit an applicant to submit a drilling plan for a single well or for several wells to be drilled to the same zone in a field or area of geologic and environmental similarity. An individual application for each well would still be required. Since a drilling plan is one element of an application, it was deemed advisable to reverse paragraphs (d) and (e).

Several suggestions were made regarding modifications of the "30-day" period proposed in § 221.23(e). Several commenters interpreted this provision as precluding processing in less than 30 days. This was not the intention of the proposed provision; it has therefore been revised for clarity. Operators should be aware that applications submitted less than 30 days before desired commencement of operation might not be completely processed in that time frame.

Section § 221.23(f) received a wide spectrum of comments requesting both shortening and lengthening the 30-day approval period. Since efforts are now underway to streamline APD processing and it is anticipated that improvements will be forthcoming, it was decided that § 221.23(f) as proposed is reasonable and was only slightly modified for clarity at this time.

Well identification. [Section 221.24]

One suggestion was made that the requirement for a marker on abandoned wells be clarified, and this has been done. One comment suggested eliminating all markers on abandoned wells. However, since many markers are now waived, this requirement is not considered unduly burdensome.

Control of wells. [Section 221.25]

Several comments suggested that the requirement in § 221.25(b) for reporting well deviation in excess of 6° was too restrictive. We agree, and the requirement has been increased to 10° and also made dependent upon the location of the bottom hole well location in relation to the spacing unit or lease boundary.

Two comments suggested that in § 221.25(d) "fresh water" be defined or clarified. This suggestion was adopted by adding "fresh water" in the *Definitions* section and also adding language to clarify that usable water up to 5,000 ppm of total dissolved solids is to be protected. Several comments

suggested that the requirement for tests of the effectiveness of protective measures be clarified and expressed concern that tests are mandated by present language. Tests are not mandated but may be requested by the Supervisor when conditions dictate. Historically, such requested tests have been infrequent, and no change is expected. The words "and surveys" were added to clarify that a well survey such as a cement bond log might be appropriately requested to verify isolation of fresh water or minerals.

Samples, tests, and surveys. [Section 221.26]

Several comments suggested that the word "reasonably" be added to the first sentence of § 221.26(a) and that the time of testing be at the operator's discretion. This sentence has been modified to include "reasonably" and to clarify that the testing, logging, etc. will be done during the drilling and completion of a well. Paragraph (b) of § 221.26 of the proposed rule was deleted. The requirements of paragraph (b) for samples are adequately addressed in paragraph (a).

Several comments suggested that paragraph (c) be made more explicit or deleted because of the potential for damage to the well bore and associated legal ramifications. Paragraph (c) has been deleted.

A new paragraph was added as a result of one suggestion and to conform to a recommendation of the Linowes Commission. This paragraph, now § 221.26(b), provides that the lessee conduct periodic representative well tests in accord with applicable orders and notices. Such tests are commonly taken pursuant to standard industry practice.

Several comments suggested that paragraph (d) (now paragraph (c)) be modified to require that such samples, tests, and surveys be at the lessor's expense. A requirement that the lessor bear no expense was included in the previous regulations for many years with little, if any, objections or abuse. This suggestion was not adopted because the lessee is and should be liable to show that his operations are in compliance. This paragraph merely reflects the lease terms.

Subsequent well operations. [Section 221.27]

A number of comments suggested that § 221.27 be clarified to better define the specific types of operation pertinent to each reporting requirement. This suggestion was adopted by utilizing separate paragraphs to list the well operations having the same reporting

requirements. Paragraph (a) lists the types of well operations requiring both prior approval and a subsequent report.

Paragraph (b) lists operations which do not require prior approval but do require subsequent reports, and paragraph (c) lists the types of operations requiring no report

Other lease operations. [Section 221.28]

Section 221.28 was clarified by adding a reference to §§ 221.23 (drilling operations) and 221.27 (subsequent well operations).

A number of comments suggested editorial changes. Changes have been made to clarify the section as requested. Several comments suggested that a decision to abandon should be the sole province of the lessee. This concept was not adopted because the Supervisor is responsible for maximum ultimate economic recovery, as defined. One comment suggested that rehabilitation requirements be more explicit. This was not accepted because such requirements are defined in appropriate notices and orders.

Environmental obligations. [Section 221.30]

Several comments were received concerning the environmental obligations contained in proposed § 221.30(a). These comments were divided between those who desired that additional environmental consultations with other interested parties be required through regulations and those who desired a relaxing of some of the requirements. It was determined that the provisions of § 221.30(a), as proposed, were adequate as written and that specific instructions would be issued by means of orders and notices. Accordingly, only editorial changes for the sake of clarity have been made.

Comments were received concerning the requirements of proposed § 221.30(c). The requirements in this paragraph are general in nature and all commenters requested that additional details be included for purposes of clarification. These changes have not been made since NTL-3A currently provides specific requirements concerning the questions raised by these comments.

A few comments were received concerning the requirements contained in proposed § 221.30(d). Two of the comments concerned the relationship between the required contingency plan and EPA's SPCC plans. This relationship is clarified in NTL-3A, and an SPCC plan will meet the requirements of proposed paragraph (d). A third comment recommended that the BIA Superintendent be delegated authority

to approve operations to control and remove pollutants. These are technical actions fully within the scope of these operating regulations. Accordingly, the requested change has not been made.

Well records and reports. [Section 221.32]

The Linowes Commission recommendations relating to the need for schematic facility diagrams and notices of initial well production have been adopted.

Confidentiality. [Section 221.33]

The majority of the commenters suggested that the proposed confidentiality periods were inadequate and could adversely affect the lessee's competitive position and result in the drilling of fewer exploration wells. We agree that the proposed confidentiality provision were inadequate and have modified the time period during which information that is privileged or confidential may be withheld from disclosure. Several comments were received concerning the release of data for Indian lands. Some of these commenters were disturbed that information on Indian lands is not available under the Freedom of Information Act. The Associate Solicitor, Division of Indian Affairs, has advised us that our proposal in § 221.33(c) as written was overly restrictive, and it has now been modified to show that only "confidential and privileged" information would be withheld. Several commenters also suggested that specific requirements be added for handling geological, geophysical, or other privileged or confidential information obtained from outside the boundaries of the lease. This recommendation has been adopted.

Measurement of oil. [Section 221.34]

Several of the comments concerned the need for flexibility in approving alternate methods for measuring crude oil. We agree that MMS may wish to approve other measuring systems in the future, and the requested change was made. Other comments concerned the requirements for schematic diagrams and the review of such schematics by the Indian lessor. The technical review of these schematics is fully the responsibility of the Supervisor, and no change in this requirement has been made. For clarity, a change was made addressing when such schematics will be required.

Measurement of gas. [Section 221.35]

A change similar to that made in § 221.34 has been made to allow the

MMS to approve the use of turbine meters or other measurement systems. The requirement for gas facility schematic diagrams has also been clarified. Several comments were received concerning the change in pressure base from 15.025 psia to 14.73 psia for reporting volumes of gas produced. This change has been in effect for several years (NTL-1 and NTL-1A). It only specifies the pressure base at which gas production shall be reported; it does not alter existing lease royalty provisions. Other changes were recommended and, where necessary for clarity, were made.

Disposition of production. [Section 221.36]

Eighteen comments were received concerning the proposed disposition of production requirements. Many of the comments requested that the requirements for run tickets be modified and that additional details be provided. Although minor editorial changes have been made, most of the requested changes were not made. The MMS requirements for run tickets are contained in NTL-7, the final version of which reflects many of the comments. The regulations in this part are intended to be general, and specific requirements will be contained in applicable orders and notice. Many other comments related to the requirement for storage of royalty oil. This provision was previously contained in § 221.40(b) and has been in effect for almost 40 years. We see no convincing arguments for changing these requirements. Accordingly, only minor editorial changes have been made. Other comments recommended that provisions be added concerning royalty requirements on production which is avoidably lost or wasted. These requirements are currently contained in NTL-4A and can be addressed when the royalty provisions in §§ 221.100 to 221.123 are proposed for modification.

Since seals are part of the site security requirement, these requirements have been removed from the proposed § 221.36 and a new section, 221.37 Site security, has been established. A Notice of Intent to propose site security standards has been published for comment in the *Federal Register* of April 21, 1982, (47 FR 17076), and an interim rule with request for comments was published October 15, 1982 (47 FR 46236) effective November 15, 1982.

The new § 221.37 which is contained in the interim rule provides that site security plans shall be developed in accordance with applicable standards. Such minimum standards are developed as a part of the above-described interim

rulemaking. Because the interim rule has been published, § 221.37 is omitted from this final rule.

Acts of noncompliance. [Section 221.60]

Several comments received on § 221.60 (now § 221.50) expressed concern that remedies for acts of noncompliance as proposed are unduly harsh if the lessee is not afforded an opportunity to be heard and a reasonable period of time in which to comply. In response to these comments, a new paragraph 221.51(a) has been added to provide for notice and opportunity to be heard, and time for corrective action and/or to show cause before some remedies are imposed. One of the comments suggested that the immediate shutdown for environmental protection should be changed from "may be taken" to "shall be taken." Since the Supervisor is expected to exercise his responsibilities with regard to environmental protection very judiciously, § 221.51(b) is unchanged with regard to immediate shutdown for operations conducted without approval or those which could harm life, property, or the environment. The additional reason "for repeated instances of noncompliance" has been inserted to deal with the chronic offender, and to respond to comments that shutdown should not be imposed for unintentional or insignificant acts of noncompliance. The only other comments received regarding § 221.60 were that the criteria for shutdown of operations should be expanded to include specifically, shutdown for economic loss or waste. It is believed that the definition of noncompliance contained in this section adequately covers these concerns, and that no revision is necessary.

Assessments for noncompliance. [Section 221.61]

The schedule of liquidated damage assessments proposed in § 221.61 (now § 221.52) has been described by some commenters as "excessive," and by other commenters as "unrealistically small" or "grossly inadequate." As explained in the proposed rulemaking, the amounts have been increased by a factor of 10 from those established in 1942, and are considered adequate for the stated purpose. Consequently, this schedule has been revised only slightly, for reasons stated hereafter. The existing assessments for royalty matters are listed in § 221.116, and since they were not proposed for modification they will continue at their current level temporarily. However, since § 221.61(a) of the proposal dealt with written orders of the officials and a new official is now added due to reorganization, that

provision is also listed in § 221.116. It has been suggested that, because drilling without approval is a very serious offense and creates numerous problems for both the MMS and surface management agencies, the assessment of liquidated damages for this act of noncompliance should be levied each day of the noncompliance. In response to this suggestion, paragraph (c) has been added to those assessments to be levied daily. Other changes have been made for clarity. In response to comments that the assessment for abandonment without approval should be equivalent to the assessment for drilling without approval, or subsequent well work without approval, and that the assessment for failure to maintain seals should not be more than these other assessments, we have made the following changes: the assessment in paragraph (i) has been raised to \$250, and the assessment in paragraph (j) has been lowered to \$250 per day. For clarity, the phrase in paragraph (j) reading "For failure to maintain seals * * *" was revised to read "For failure to maintain effective seals * * *" Some comments received expressed opinions that it would be unfair to levy assessments on lessees and operators for deficiencies caused by third parties, such as when vandals or thieves remove or destroy well signs or seals. It is the position of MMS that the lessee or operator is the responsible party, and this responsibility extends to making appropriate corrections in conjunction with law enforcement agencies and/or development of adequate security systems when problems are encountered with vandals or thieves. The penalties provided for in § 221.62 (now § 221.53) are not to be levied until after the lessee receives a notice of the noncompliance and is offered an opportunity to remedy any defaults or violations. Since it is intended that this should be a written notice, the words "in writing" have been inserted. Some editorial changes have been made in § 221.63(b) (now § 221.54(b)) to clarify when penalties must be paid and that they are subject to late payment charges.

Surface rights. [Section 221.70]

Several comments urged that the section (now § 221.60) concerning surface rights be deleted while others recommended that the section be made more restrictive. This section does not intend to define the provisions of the lease; however, it is intended to clarify that the Supervisor may not grant surface use in excess of that defined in the lease instrument. As a result, no substantial changes were made.

Damages on restricted Indian lands. [Section 221.71]

Several commenters questioned the methodology of assessment of surface damages. However, this section (now §221.61) is only intended to delineate responsibility and not the manner of carrying out that responsibility. As a result, the section stands as proposed.

Oil and gas exploration and development contracts—restricted Indian lands. [Section 221.72]

Many commenters said that this section did not belong in the operating regulations since the Supervisor has no responsibility for operations under these contracts and only acts in an advisory capacity. Since the relationship between the parties involved could be better handled by a memorandum of understanding, the section has been eliminated from the regulations.

Relief from operating and producing requirements. [Section 221.80]

Commenters requested expansion of this section (now §221.70) to delineate all circumstances under which "suspension of operations" will be authorized. This section was determined to be adequate for the intended purpose and was left unaltered except for clarification of the circumstances under which the suspension will be terminated.

Conflicts between regulations. [Section 221.81]

Some comments requested expansion of this section (now §221.71) to include other Federal regulations while other comments pointed out certain technical inaccuracies. After review of the section, it was decided that the section was not technically correct, and the section was revised so that it applies only to conflicting Department of the Interior regulations.

Technical and procedural review. [Section 221.82]

A number of comments on this section (now §221.72) requested more time for preparation and submittal of a request for technical and procedural review. Accordingly, time for filing was increased to 10 days with a requirement that all supporting data be included.

Appeals. [Section 221.83]

Only one comment expressed concern that the filing of an appeal does not automatically stop the action being appealed. The section (now §221.73) does provide for this concern, and no change has been made.

E.O. 12291 Federal Regulation

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 because the existing regulatory scheme was found to be basically sound and required only minor modernization to reflect 40 years of changed conditions. The organization of the rules is revised to group like provisions into general headings. The elimination of some reporting and approval requirements will result in a savings to a majority of the lessees. While the liquidated damages are raised to a more realistic level, it is estimated that only 2 percent of the active operations will be found to be in noncompliance during the first year. This would represent about 1,000 operations, thus resulting in approximately \$250,000 at an average assessment of \$250. The eventual streamlining of application processing may result in a decrease in the ultimate cost for consumers and an increase in productivity of United States oil and gas development operations.

Regulatory Flexibility Act

The Department has also determined that the rulemaking will not have a significant economic effect on a substantial number of small entities, and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The updating of 30 CFR Part 221 will have a minor beneficial economic effect on a substantial number of small entities. The reduction of the filing requirements for advance approval of routine well operations will have a beneficial effect on a large number of small oil and gas operations. While the increased assessment for noncompliance could prove a hardship for small operators, these would only be imposed if the regulations and lease terms are not complied with. There are no adverse economic effects of the revision of this part.

Paperwork Reduction Act

The information collection requirements contained in Part 221 which require the filing of forms have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned the following clearance numbers:

Form No.	Name	OMB No.
9-330	Well Completion or Recompletion Report and Log.	1010-0004
9-329/329A	Monthly Report of Operation (and Continuation).	1010-0005

Form No.	Name	OMB No.
9-361	Monthly Report of Sale and Royalty.	1028-0006
9-614A	Rental and Royalty Remittance Advice.	1028-0007
9-331	Sundry Notice and Reports or Wells.	1010-0002
9-331C	Application for Permit to Drill, Deepen, or Plug Back.	1010-0003
9-2014	Report of Sales and Royalty Remittance.	1028-0029

The information collection requirements contained in §§ 221.21, 221.23, 221.24, 221.25, 221.26, 221.27, 221.28, 221.29, 221.30, 221.32, 221.34, 221.35, 221.36, 221.37, 221.60, 221.70 and 221.72 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010-0001.

Environmental Effects

It is hereby determined that this final rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

List of Subjects in 30 CFR Part 221

Government contracts, Mineral royalties, Oil and gas exploration, Public lands/minerals resources, Reporting requirements.

Under the authority of the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193), Part 221 (except § 221.37), Chapter II, Title 30 of the Code of Federal Regulations is revised as set forth below.

Dated: October 6, 1982.

Donald Paul Hodel,
Under Secretary.

PART 221—ONSHORE OIL AND GAS OPERATIONS**General Provisions**

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- 221.60 Surface rights.
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Royalty Requirements

- 221.100 Production records; rentals, royalties, and payments; drainage and waste.
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- 221.110 Value basis for computing royalties.
- 221.111 Royalty rates on oil; flat-rate leases.
- 221.112 Royalty rates on oil; sliding-and step-scale leases (public land only).
- 221.113 Royalty on gas.
- 221.114 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas.
- 221.115 Royalty on drip gasoline or other natural condensate.
- 221.116 Liquidated damages.
- 221.117 Monthly report of operations (Form 9-329 Public; Form 9-329A Indian).

Sec.

- 221.118 Daily report of gas-producing wells (Form 9-352).
- 221.119 Statement of oil and gas runs and royalties (Form 9-361 Public; Form 9-361A Indian).
- 221.120 Royalty and rental remittance (Form 9-614A Indian).
- 221.121 Royalty and rental remittance (Naval Petroleum Reserves).
- 221.122 Special forms or reports.
- 221.123 Late payment or underpayment charges.

Authority: The Act of February 25, 1920 (30 U.S.C. 181, et seq.), as amended; the Act of May 21, 1930 (30 U.S.C. 301-306); the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), as amended; the Act of March 3, 1909 (25 U.S.C. 396), as amended; the Act of May 11, 1938 (25 U.S.C. 396a-396q), as amended; the Act of February 28, 1891 (25 U.S.C. 397), as amended; the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a-398e); the Act of June 30, 1919 (25 U.S.C. 399), as amended; R.S. § 441 (43 U.S.C. 1457), see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.), as amended; the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), as amended; the Act of December 12, 1980 (Pub. L. 96-514, 94 Stat. 2964); and the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97-78, 95 Stat. 1070).

General Provisions**§ 221.1 Purpose and scope.**

The regulations in this part govern operations associated with the exploration, development, and production of oil and gas deposits from leases issued or approved by the United States, restricted Indian land leases, and those under the jurisdiction of the Secretary of the Interior by law or administrative arrangement, including the National Petroleum Reserve in Alaska. They are intended to promote the orderly and efficient exploration, development, and production of oil and gas. The regulations in this part are administered under the direction of the Director of the Minerals Management Service (MMS); except that as to lands within naval petroleum reserves, they shall be administered under such official as the Secretary of Energy shall designate.

§ 221.2 Definitions.

Associate Director for Royalty Management. The officer in charge of the Royalty Management Program, Minerals Management Service, or any subordinate acting under his direction in matters relating to the collection of rent and royalties, the obtaining of appropriate records, computations, and any audits of the royalty payments and obligations of lessees, operators, or payors.

Avoidably lost. Avoidably lost production shall mean the venting or flaring of produced gas without the prior authorization, approval, ratification, or acceptance of the Supervisor and the loss of produced oil or gas when the Supervisor determines that such loss occurred as a result of (1) negligence on the part of the lessee, or (2) the failure of the lessee to take all reasonable measures to prevent and/or control the loss, or (3) the failure of the lessee to comply fully with the applicable lease terms and regulations, applicable orders and notices, or the written orders of the Supervisor, or (4) any combination of the foregoing.

Communitization Agreement. An agreement approved to allow separate tracts to be developed and operated in conformity with an established well-spacing or well-development program (see 43 CFR Part 3105).

Deputy Minerals Manager (DMM). The officer in charge of a Regional Oil and Gas Office, or its equivalent, who is authorized, under the direction of the appropriate Minerals Manager, to approve unitization, communitization, gas storage, and other contractual agreements for Federal lands; and to approve, supervise, and direct operations on oil and gas leases on Federal and restricted Indian lands that lie within the jurisdictional boundaries of that Region.

Designated Operator. The party designated by the lessee(s) or holder(s) of operating rights under an approved operating agreement, who is authorized to conduct operations on the leased land or a portion thereof.

Director. The Director of the Minerals Management Service.

District Supervisor (Supervisor). The officer in charge of a District Oil and Gas Office, or its equivalent, who is authorized, under the direction of the appropriate DMM, to approve drilling and other well operations and to supervise and direct oil and gas operations under Federal and restricted Indian lands oil and gas leases that lie within the jurisdictional boundaries of that District.

Fresh water. Water containing not more than 1,000 ppm of total dissolved solids, provided that such water does not contain objectionable levels of any constituent that is toxic to animal, plant, or aquatic life, unless otherwise specified in applicable notices or orders.

Gas. Any fluid, either combustible or noncombustible, which is extracted from a reservoir and which has neither independent shape nor volume, but tends to expand indefinitely; a substance that exists in a gaseous or

rarefied state under standard temperature and pressure conditions.

Gas Storage Agreement. An agreement authorizing the subsurface storage of gas, whether or not produced from federally owned lands, in Federal lands leased or subject to leasing.

Lease. An agreement issued pursuant to Title 43 CFR or Title 25 CFR, or other special Federal leasing authority, which, in consideration of covenants to be observed, grants to a lessee the exclusive right and privilege of exploring for, developing, and producing oil or gas deposits owned by the lessor subject to the terms and conditions of the lease, regulations, and statutes.

Leased Lands, Leasehold. Lands and deposits made subject to an oil and gas lease.

Lessee. The party authorized by or through a lease or an approved assignment thereof, to explore for, develop, and produce oil or gas on the leased lands in accordance with the lease terms, regulations, and law.

Lessor. The party to a lease who holds legal or beneficial title to the mineral estate in the leased lands.

Maximum Ultimate Economic Recovery. The recovery of oil and gas from the leased lands which a prudent operator could be expected to make from that field or reservoir given existing knowledge of reservoir and other pertinent facts and utilizing common industry practices for primary, secondary, and tertiary recovery operations.

Minerals Manager. The officer in charge of a Regional Office of the MMS.

National Petroleum Reserve in Alaska. The area also known as NPR-A which was designated by section 102 of the Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303) and established by Executive Order of the President, dated February 27, 1923, except for tract Number 1 as described in Public Land Order 2344 dated April 24, 1961.

Notice to Lessees and Operators (NTL). A written notice issued by the DMM. NTL's implement the regulations in this part and operating orders, and serve as instructions on specific item(s) of importance within a Region or portion thereof.

Oil. Any nongaseous hydrocarbon substance other than those substances leasable as coal, oil shale, or gilsonite (including all vein-type solid hydrocarbons). Oil includes liquefiable hydrocarbon substances such as drip gasoline and other natural condensates recovered or recoverable in a liquid state from produced gas without resorting to a manufacturing process. For royalty rate consideration in special

tar sand areas, any hydrocarbon substance with a gas-free viscosity, at original reservoir temperature, greater than 10,000 centipoise is termed tar sand. Hydrocarbon extraction from tar sand is also governed by the regulation at 30 CFR Part 231 and applicable orders and notices.

Onshore Oil and Gas Order. A formal numbered order issued by the Director that implements the regulations in this part.

Operator. The party that has control or management of operations on the leased land or a portion thereof. The operator may be a lessee, holder of rights under an approved operating agreement, or designated operator.

Paying Well. A paying well is a well that is capable of producing oil or gas of sufficient value to exceed direct operating costs and the costs of lease rentals or minimum royalty.

Production in Paying Quantities. Lease production of oil and/or gas of sufficient value to exceed direct operation costs and the cost of lease rentals or minimum royalty.

Secretary. The Secretary of the Interior or his duly authorized representative, except where lands in naval petroleum reserves are included, and in that case, the Secretary of Energy.

Superintendent. The Superintendent of an Indian Agency, or other officer authorized to act in matters of record and law with respect to oil and gas leases on restricted Indian lands.

Waste of Oil or Gas. Any act or failure to act by the lessee that is not sanctioned by the Supervisor as necessary for proper development and production and which results in (1) a reduction in the quantity or quality of oil and gas ultimately producible from a reservoir under prudent and proper operations, or (2) avoidable surface loss of oil or gas.

§ 221.2-1 Information collection.

The information collection requirements contained in Part 221 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned the following Clearance Numbers:

OPERATING FORMS

Form No.	Name and filing date	OMB No.
9-330	Well Completion of Recompletion Report and Log—Due 30 days after well completed.	1010-0004
9-329/329A	Monthly Report of Operation (and Continuation)—Due 10th day of second month following production month.	1010-0005

OPERATING FORMS—Continued

Form No.	Name and filing date	OMB No.
9-331	Sundry Notice and Reports on Wells—Subsequent report due 30 days after operations completed.	1010-0002
9-331C	Application for Permit to Drill, Deepen, or Plug Back—Due 30 days prior to planned action.	1010-0003

The above information is being collected for Federal and Indian lease management purposes. The information will be used to allow evaluation of the technical, safety, and environmental factors involved with drilling and producing oil and gas on Federal and Indian oil and gas leases. The obligation to respond is mandatory only if the lessee elects to initiate drilling, completion, or subsequent operations on an oil and gas well. The Monthly Report of Operations is mandatory after drilling has commenced.

ROYALTY ACCOUNTING FORMS

Form No.	Name and filing date	OMB No.
9-361	Monthly Report of Sale and Royalty—Due 10th day of second month following production month.	1028-0006
9-614A	Rental and Royalty Remittance Advice—Due by end of month following sales month.	1028-0007
9-2014	Report of Sales and Royalty Remittance—Due by end of month following sales month (used where Acct. transferred to Royalty Accounting Center, Lakewood, Colorado).	1028-0028

The information is being collected for Federal and Indian royalty accounting purposes. The information will be used to permit accounting and auditing of royalties submitted by the operator of Federal and Indian oil and gas leases. The obligation to respond is mandatory only after the lessee begins production of oil and gas.

Other Reporting Requirements

The information collection requirements contained in §§ 221.21, 221.23, 221.24, 221.25, 221.26, 221.27, 221.28, 221.29, 221.30, 221.32, 221.34, 221.35, 221.36, 221.37, 221.60, 221.70, and 221.72 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1010-0001. The information may be collected from some lessees to either provide data so that proposed operations may be approved or to enable the monitoring of compliance with granted approval. The information will be used to grant approval to begin or alter operations or to allow

operations to continue. The obligation to respond is required to obtain the benefit under the lease.

§ 221.3 Cross references.

25 CFR Parts 211, 212, 213, and 227
30 CFR Parts 223, 225, 226, 231, and 290
40 CFR Chapter V
43 CFR Parts 2, 4, and 1820 and Groups 3000 and 3100

§ 221.4-221.9 [Reserved]

Jurisdiction and Responsibility

§ 221.10 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, all operations conducted on or for the benefit of a Federal or Indian oil and gas lease by, or on behalf of, the lessee are subject to the regulations in this part and are under the jurisdiction of the DMM for the Region in which the leased land is located.

§ 221.11 Responsibility of the Deputy Minerals Manager (DMM).

The DMM is authorized and directed to approve unitization, communitization, gas storage, and other contractual agreements for Federal lands; to assess compensatory royalty; to approve suspensions of operations or production, or both; to issue NTL's; to approve and monitor other operator proposals for drilling, development, or production of oil or gas; to perform technical and procedural reviews; to assess monetary penalties or liquidated damages; to exercise supervisory control over operations approved, inspected, and regulated by the District Supervisor; to provide technical information and advice relative to oil and gas development and operations on Federal and Indian lands; and to enter into cooperative agreements with States, Federal Agencies, and Indian Tribes relative to oil and gas development and operations.

§ 221.12 Responsibility of the District Supervisor (Supervisor).

The Supervisor is authorized and directed to approve, inspect, and regulate the operations that are subject to the regulations in this part; to require compliance with lease terms, with the regulations in this part, and all other applicable regulations promulgated under the cited laws; and to require that all operations be conducted in a manner which protects other natural resources and the environmental quality, protects life and property, and results in the maximum ultimate economic recovery of oil and gas with minimum waste and with minimum adverse effect on the ultimate recovery of other mineral resources. The Supervisor may issue

written or oral orders to govern specific lease operations. Any such oral orders shall be confirmed in writing by the Supervisor within 10 working days from issuance thereof. Before approving operations on a leasehold, the Supervisor shall determine that the lease is in effect, that the operator is authorized to conduct such operations, that acceptable bond coverage has been provided, and that the proposed plan of operations is sound from both a technical and environmental standpoint.

§ 221.13 Responsibilities of the Associate Director for Royalty Management.

The Associate Director is responsible for the collection of certain rents, royalties, and other payments; for the receipt of sales and production reports; for determining royalty liability; for

maintaining accounting records; for any audits of the royalty payments and obligations; and for any and all other functions relating to royalty management on Federal and Indian oil and gas leases.

§ 221.14 Onshore Oil and Gas Orders.

(a) The Director is authorized to issue Onshore Oil and Gas Orders when necessary to implement and supplement the regulations in this part. All orders will be published in the **Federal Register** both for public comment and in final form.

(b) These Orders are binding on lessees and operators of Federal and restricted Indian oil and gas leases which have been, or may hereafter be, issued. The Onshore Oil and Gas Orders listed below are currently in effect:

Order No.	Subject	Effective date	FEDERAL REGISTER reference	Supersedes
[Reserved]	[Reserved]	[Reserved]	[Reserved]	[Reserved]

§ 221.15 NTL's and other implementing procedures.

(a) The DMM is authorized to issue NTL's when necessary to implement the onshore oil and gas orders and the regulations in this part. All NTL's will be issued after notice and opportunity for comment.

(b) All NTL's issued prior to the promulgation of these regulations shall remain in effect until modified, superseded by an Onshore Oil and Gas Order, or otherwise terminated.

(c) A manual and other written instructions will be used to provide policy and procedures for internal guidance of the Minerals Management Service.

§§ 221.16-221.19 [Reserved]

Requirements for Lessees and Operators

§ 221.20 General requirements.

The lessee shall comply with applicable laws and regulations; with the lease terms, Onshore Oil and Gas Orders, NTL's; and with other orders and instructions of the Supervisor. These include, but are not limited to, conducting all operations in a manner which ensures the proper handling, measurement, disposition, and site security of leasehold production; which protects other natural resources and environmental quality; which protects life and property; and which results in maximum ultimate economic recovery of oil and gas with minimum waste and with minimum adverse effect on ultimate recovery of other mineral resources.

§ 221.21 Conduct of operations.

(a) Leasehold operations shall be conducted by the lessee or its designees. The lessee may authorize the actual conduct of operations in its behalf by designating another party as operator in a manner and form acceptable to the Supervisor. Acceptance of an executed designation as authority for the designee to act for the lessee in matters relating to the conduct of lease operations does not relieve the lessee from the ultimate responsibility for compliance with applicable laws, regulations, lease terms, Onshore Oil and Gas Orders, NTL's, and the orders and instructions of the Supervisor. Lessees shall notify the Supervisor in writing when a designation of operator has been canceled. A designated operator cannot designate a different party as operator.

(b) The contractor or other person in charge of or conducting operations on a leasehold will be considered the agent of the lessee for such operations with full responsibility for acting on behalf of the lessee insofar as complying with applicable laws, regulations, the lease terms, NTL's, Onshore Oil and Gas Orders, and other orders and instructions of the Supervisor. The serving of orders, instructions, or notices on the contractor or other person in charge of conducting such operations on a leasehold, when delivered personally or by ordinary mail, will be deemed to be service upon the lessee. When served in this manner, a copy will be mailed to the lessee and the designated operator at their address of record.

§ 221.22 Drilling and producing obligations.

(a) The lessee shall drill diligently and produce continuously from such wells as are necessary to protect the lessor from loss of royalty by reason of drainage. The DMM may assess compensatory royalty under which the lessee will pay a sum determined as adequate to compensate the lessor for lessee's failure to drill and produce wells required to protect the lessor from loss through drainage by wells on adjacent lands. Any such assessment will be made after a review of available information relating to development of the leased lands. Such assessment is subject to termination or modification based upon the DMM's continuing review of such information.

(b) The lessee, at its election, may drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, and which is authorized and sanctioned by applicable law or by the Supervisor.

(c) After notice in writing, the lessee shall promptly drill and produce such other wells as the Supervisor may reasonably require in order that the lease may be properly and timely developed and produced in accordance with good economic operating practices.

§ 221.23 Drilling applications and plans.

(a) Each well shall be drilled in conformity with an acceptable well-spacing program at a surveyed well location approved or prescribed by the Supervisor after appropriate environmental and technical reviews (see § 221.30). An acceptable well-spacing program may be either (1) one which conforms with a spacing order or field rule issued by a State Commission or Board and accepted by the DMM, or (2) one which is located on a lease committed to a communitized or unitized tract at a location approved by the DMM, or (3) any other program established by the DMM.

(b) Any well drilled on restricted Indian land shall be subject to the location restrictions specified in the lease and/or Title 25 of the Code of Federal Regulations.

(c) The lessee shall submit to the Supervisor for approval an Application for Permit to Drill for each well. No drilling operations, nor surface disturbance preliminary thereto, may be commenced prior to the Supervisor's approval of the permit.

(d) The Application for Permit to Drill process shall be initiated at least 30 days before commencement of operations is anticipated. Prior to

approval, the application must be administratively and technically complete. A complete application consists of Form 9-331C and the following attachments: (1) A drilling plan, which may already be on file, containing information required by paragraph (e) below and appropriate orders and notices, (2) evidence of bond coverage as required by Department of the Interior regulations, (3) designation of operator, where necessary, and (4) such other information as may be required by applicable orders and notices. If the process is initiated less than 30 days prior to the desired date of commencement of drilling operations, the process may not be completed by the desired date.

(e) Each drilling plan shall contain the information specified in applicable notices or orders, including a description of the drilling program, the surface and projected completion zone location, pertinent geologic data, expected problems and hazards and proposed mitigation, road and drillpad location and construction, methods for containment and disposal of waste material, plans for restoration of the surface, and other pertinent data as the Supervisor may require. A drilling plan may be submitted for a single well or for several wells which are proposed to be drilled to the same zone within a field or area of geologic and environmental similarity. A drilling plan may be modified from time to time as circumstances may warrant, with the approval of the Supervisor.

(f) Upon initiation of the Application for Permit to Drill process, the Supervisor will consult with the appropriate Federal Surface Management Agency and with other appropriate interested parties and will take one of the following actions within 30 days: (1) Approve the application as submitted or with appropriate modifications or stipulations; (2) return the application and advise the applicant of the reasons for disapproval; or (3) advise the applicant, either in writing or orally with subsequent written confirmation, of the reasons why final action will be delayed along with the date such final action can be expected.

§ 221.24 Well identification.

(a) Lessee shall properly identify in a conspicuous place each drilling, producing, or abandoned well, with the name of the operator, the lease serial number, the well number, the surveyed description of the well (either footages or the quarter-quarter section, the section, township, and range), and, when specifically requested by the Supervisor, the name of the Indian

allotted lessor preceding the lease serial number. The lessee shall maintain all well markings in a legible condition.

(b) All abandoned wells shall be marked with a permanent monument containing the information in (a). The well identification requirement for an abandoned well may be waived in writing by the Supervisor upon submission of a request by the surface owner or surface management agency.

§ 221.25 Control of wells.

(a) *Drilling wells.* The lessee shall take all necessary precautions to keep each well under control at all times, and shall utilize and maintain materials and equipment necessary to insure the safety of operating conditions and procedures.

(b) *Vertical drilling.* The lessee shall conduct drilling operations in a manner so that the completed well does not deviate significantly from the vertical without the prior written approval of the Supervisor. Significant deviation means, a projected deviation of the well bore from the vertical of 10° or more, or a projected bottom hole location which could be less than 200 feet from the spacing unit or lease boundary. Any well which deviates more than 10° from the vertical or could result in a bottom hole location less than 200 feet from the spacing unit or lease boundary without prior written approval must be promptly reported to the Supervisor. In these cases, a directional survey is required.

(c) *High pressure or loss of circulation.* The lessee shall take immediate steps and utilize necessary resources to maintain or restore control of any well in which the pressure equilibrium has become unbalanced.

(d) *Protection of fresh water and other minerals.* The lessee shall isolate freshwater-bearing and other usable water containing 5,000 ppm or less of dissolved solids and other mineral-bearing formations and protect them from contamination. Tests and surveys of the effectiveness of such measures shall be conducted by the lessee using procedures and practices approved or prescribed by the Supervisor.

§ 221.26 Samples, tests, and surveys.

(a) During the drilling and completion of a well, the lessee shall, when required by the Supervisor, conduct tests, run logs, and make other surveys reasonably necessary to determine the presence, quantity, and quality of oil, gas, other minerals, or the presence or quality of water; to determine the amount and/or direction of deviation of any well from the vertical; and to determine the

relevant characteristics of the oil and gas reservoirs penetrated.

(b) After the well has been completed, the lessee shall conduct periodic well tests which will demonstrate the quantity and quality of oil and gas and water. The method and frequency of such well tests will be specified in appropriate notices and orders. When needed, the lessee shall conduct reasonable tests which will demonstrate the mechanical integrity of the downhole equipment.

(c) Results of samples, tests, and surveys approved or prescribed under this section shall be provided to the Supervisor without cost to the lessor.

§ 221.27 Subsequent well operations.

(a) A plan proposing further well operations shall be submitted by the lessee on Form 9-331 for approval by the Supervisor prior to commencing operations to redrill, deepen, perform casing repairs, plug-back, alter casing, perform nonroutine fracturing jobs, recompleting in a different interval, perform water shut-off conversion to injection. A subsequent report on these operations also will be filed on Form 9-331. The Supervisor may prescribe that each plan contain all or a portion of the information set forth in § 221.23.

(b) Unless additional surface disturbance is involved and if the operations conform to the standard of prudent operating practice, prior approval is not required for routine fracturing or acidizing jobs, or recompleting in the same interval; however, a subsequent report on these operations must be filed on Form 9-331.

(c) No prior approval or a subsequent report is required for well cleanout work, routine well maintenance, or bottom hole pressure surveys.

§ 221.28 Other lease operations.

Prior to commencing any operation on the leasehold which will result in additional surface disturbance, other than those authorized under § 221.23 or 221.27, the lessee shall submit a proposed plan of operations on Form 9-331 to the Supervisor for approval.

§ 221.29 Well abandonment.

(a) The lessee shall promptly plug and abandon, in accordance with a plan first approved in writing or prescribed by the Supervisor, each newly completed or recompleting well in which oil or gas is not encountered in paying quantities or which, after being completed as a producing well, is demonstrated to the satisfaction of the Supervisor to be no longer capable of producing oil or gas in paying quantities, unless the Supervisor shall approve the use of the well as a

service well for injection to recover additional oil or gas or for subsurface disposal of produced water. In the case of a newly drilled or recompleting well, the approval to abandon may be written or oral with written confirmation.

(b) Completion of a well as plugged and abandoned may also include conditioning the well as water supply source for lease operations or for use by the surface owner or appropriate Government Agency, when authorized by the Supervisor. All costs over and above the normal plugging and abandonment expense will be paid by the party accepting the water well.

(c) No well may be temporarily abandoned for more than 30 days without the prior approval of the Supervisor. The Supervisor may authorize a delay in the permanent abandonment of a well for a period of 12 months. When justified by the lessee, the Supervisor may authorize additional delays, no one of which may exceed an additional 12 months. Upon the removal of drilling or producing equipment from the site of a well which is to be permanently abandoned, the surface of the lands disturbed in connection with the conduct of operations shall be rehabilitated or restored in accordance with a plan first approved or prescribed by the Supervisor.

§ 221.30 Environmental obligations.

(a) The lessee shall conduct operations in a manner which protects the mineral resources, other natural resources, and environmental quality. In that respect, the lessee shall comply with the pertinent orders of the Supervisor and other standards and procedures as set forth in the applicable laws, regulations, lease terms and conditions, and the approved drilling plan or subsequent operations plan. Before approving any Application for Permit to Drill submitted pursuant to § 221.23, or other plan requiring environmental review, the Supervisor shall prepare an environmental record of review or an environmental assessment, as appropriate. These environmental documents will be used in determining whether or not an environmental impact statement is required and in determining any appropriate terms and conditions of approval of the submitted plan.

(b) The lessee shall exercise due care and diligence to assure that leasehold operations do not result in undue damage to surface or subsurface resources or surface improvements. All produced water must be disposed of by injection into the subsurface, by approved pits, or by other methods which have been approved by the

Supervisor. Upon the conclusion of operations, the lessee shall restore or rehabilitate the disturbed surface in a manner approved or reasonably prescribed by the Supervisor.

(c) All spills or leakages of oil, gas, produced water, toxic liquids, or waste materials, blowouts, fires, personal injuries, and fatalities shall be reported by the lessee in accordance with these regulations and as prescribed in applicable order or notices. The lessee shall exercise due diligence in taking necessary measures, subject to approval by the Supervisor, to control and remove pollutants and to extinguish fires. A lessee's compliance with the requirements of the regulations in this part shall not relieve the lessee of the obligation to comply with other applicable laws and regulations.

(d) When reasonably required by the Supervisor, a contingency plan shall be submitted describing procedures to be implemented to protect life, property, and the environment.

(e) The lessee's liability for damages to third parties shall be governed by applicable law.

§ 221.31 Safety precautions.

The lessee shall perform operations and maintain equipment in a safe and workmanlike manner. The lessee shall take all precautions necessary to provide adequate protection for the health and safety of life and the protection of property. Compliance with health and safety requirements prescribed by the Supervisor shall not relieve the lessee of the responsibility for compliance with other pertinent health and safety requirements under applicable laws or regulations.

§ 221.32 Well records and reports.

(a) The lessee shall keep accurate and complete records with respect to all lease operations including, but not limited to, production facilities and equipment, drilling, producing, redrilling, deepening, repairing, plugging back, and abandonment operations, disposition of leasehold products, and other matters pertaining to operations. With respect to production facilities and equipment, the record shall include schematic diagrams as required by applicable orders and notices.

(b) Standard forms for providing basic data are listed in § 221.2-1. As noted on Form 9-330, two copies of all electric and other logs run on the well must be submitted to the Supervisor. Upon request, the lessee shall transmit to the Supervisor copies of such other records maintained in compliance with paragraph (a) of this section.

(c) The lessee shall furnish the Supervisor a copy of the daily drilling report, when requested, and a notice of production start-up.

§ 221.33 Confidentiality.

(a) Information obtained pursuant to this part and on file shall be open for public inspection and copying during regular office hours upon a written request, pursuant to rules at 43 CFR Part 2, except that: (1) Upon request, information obtained from a lessee under this Part that constitutes trade secrets and commercial or financial information which is privileged or confidential or other information that may be withheld under the Freedom of Information Act (5 U.S.C. 552(b)), such as geologic and geophysical data and maps, shall not be available for public inspection or made public or disclosed without the consent of the lessee for a period of 12 months; (2) upon expiration of the 12-month period, the lessee may request that the data be held confidential for an additional 12-month period; and (3) upon termination of a lease, whether by expiration of its terms or otherwise, such information shall be made available to the public.

(b) Information requested to be kept confidential under this section shall be clearly identified by the lessee by marking each page of documents submitted with the words "CONFIDENTIAL INFORMATION" at the top of the page. All pages so marked shall be physically separated from other portions of the submitted materials. All information not marked "CONFIDENTIAL INFORMATION" will be available for public inspection.

(c) Confidential and privileged information obtained from a lessee under this part on a restricted Indian lease shall be available only to the Tribe or allotted Indian lessor, their designated agent, or authorized U.S. Department of the Interior officials. Such information shall not be made available to any other party without the express authorization of the Tribe or allotted Indian lessor.

(d) Any geological, geophysical, or financial information which is either not required under the regulations in this part or covers lands not under Federal or Indian leases, but which the lessee submits to the Supervisor, shall be held confidential and shall not be released without the lessee's consent.

§ 221.34 Measurement of oil.

(a) All oil production shall be measured by tank gauging, positive displacement metering system, or other methods acceptable to the DMM, pursuant to methods and procedures

prescribed in applicable orders and notices. Where production cannot be measured due to spillage or leakage, the amount of production shall be determined in accordance with the methods and procedures approved or prescribed by the Supervisor.

(b) Within 30 days after treating and measurement facilities are installed or modified on a lease, or when otherwise requested by the Supervisor, a schematic diagram will be submitted to the Supervisor clearly depicting the vessels, piping, and metering system involved with handling and disposal of oil, water, and gas.

§ 221.35 Measurement of gas.

(a) All gas production shall be measured by orifice meters or other methods acceptable to the DMM on the lease pursuant to methods and procedures prescribed in applicable orders and notices. The measurement of the volume of all gas produced shall be adjusted by computation to the standard pressure and temperature of 14.73 psia and 60° F unless otherwise prescribed by the Supervisor, regardless of the pressure and temperature at which the gas is actually measured. Gas lost without measurement by meter shall be estimated in accordance with methods prescribed in applicable orders and notices.

(b) Within 30 days after treating and measurement facilities are installed or modified on a lease or when otherwise requested by the Supervisor, a schematic diagram will be submitted to the Supervisor clearly depicting the vessels, piping, and metering system involved with handling and disposal of gas and liquid hydrocarbons.

§ 221.36 Disposition of production.

(a) The lessee shall put into marketable condition, if economically feasible, all oil, other hydrocarbons, gas, and sulphur produced from the leased land.

(b) Where oil accumulates in a pit, such oil must either be (1) recirculated through the regular treating system and returned to the stock tanks for sale, or (2) pumped into a stock tank without treatment and measured for sale in the same manner as from any sales tank in accordance with applicable orders and notices. In the absence of prior approval from the Supervisor, no oil should go to a pit except in an emergency. Each such occurrence must be reported to the Supervisor and the oil promptly recovered in accordance with applicable orders and notices.

(c) A proper run ticket must be completed by the purchaser or transporter prior to Federal or Indian oil

being removed from the lease in accordance with applicable orders and notices.

(d) The lessee shall conduct operations in such a manner as to prevent avoidable loss of oil and gas.

(e) When requested by the DMM, the lessee shall furnish storage for royalty oil, on the leasehold or at a mutually agreed upon delivery point off the leased land without cost to the lessor, for 30 days following the end of the calendar month in which the royalty accrued.

§ 221.37 Site security.

§§ 221.38-221.49 [Reserved]

Noncompliance and Assessments

§ 221.50 Remedies for acts of noncompliance.

In the event of an act of noncompliance, the Supervisor is authorized to shut down operations; to enter upon a lease and to perform, or have performed, at the sole risk and expense of the lessee, operations that the lessee fails to perform when directed in writing by the Supervisor; to recommend cancellation of the lease and forfeiture under the bond; and to assess penalties and/or liquidated damages in specific instances of noncompliance when the lessee fails to comply with applicable law, the regulations in this part or promulgated under the cited laws, the lease terms, the approved operating plan, or the written orders or instructions issued by the Supervisor.

§ 221.51 Shutting down operations; lease cancellations.

(a) When necessary for compliance, entry upon the lease to conduct operations and recommendations for lease cancellation and for forfeiture under the surety bond will be taken only after the lessee is duly notified in writing. The lessee will be provided a reasonable period of time to either take corrective action or to show why the lease should not be so entered or recommended for cancellation and forfeiture declared under the surety bond.

(b) Immediate shut-in action may be taken where operations are initiated and conducted without prior approval; or where continued operations could result in the loss of revenue, or serious harm to life, property, or the environment; or for repeated instances of noncompliance. Shut-in actions in other situations may only be taken after due notice, in writing, has been given.

§ 221.52 Assessments for noncompliance.

Certain instances of noncompliance result in loss or damage to the lessor, the amount of which is difficult or impracticable to ascertain. Except where actual losses or damages can be ascertained in an amount larger than that set forth below, the following amounts shall be deemed to cover loss or damage to the lessor from specific instances of noncompliance. Provided that as to paragraphs (a), (c), (f), (g), and (j) of this section the specified loss or damage shall be applicable to each successive day of the noncompliance.

(a) For failure to comply with a written order or instructions of the Supervisor or DMM, \$250 if compliance is not obtained within the time specified.

(b) For failure to perform any operation ordered in writing by the Supervisor, if said operation is thereafter performed by or through the Supervisor; the actual cost of performance and an additional 25 percent of such amount to compensate the United States for administrative costs.

(c) For failure to obtain approval of an Application for Permit to Drill prior to commencing operations or causing surface disturbance preliminary thereto or for failure to obtain approval before initiating any major departure from a previously approved permit to drill, \$250.

(d) For failure to obtain approval of a plan for subsequent well operations before commencing work on a well to redrill, deepen, convert to injection, using any well for gas storage or water disposal, or any other operation requiring prior approval under § 221.27 of this Part, \$250.

(e) For failure to properly identify a well location or derrick, whether the well is drilling, producing, or abandoned, \$100.

(f) For failure to install blowout preventers or other related drilling safety and control equipment as required by the approved drilling plan, \$250.

(g) For failure to exercise due care and diligence in preventing undue damage to surface or subsurface resources or surface improvements as required by the regulations in this Part and the applicable lease terms, \$250.

(h) For failure to maintain records and file required reports, records, samples, or data as required by the regulations in this part and by applicable orders and notices, \$100.

(i) For failure to obtain approval of a plan for well abandonment prior to commencement of such operations, \$250.

(j) For failure to maintain effective seals required by the regulations in this

part and by applicable orders and notices, or for failure to maintain the integrity of any seal placed upon any property or equipment by the Supervisor, \$250.

§ 221.53 Penalties.

Whenever a lessee fails to comply with any provisions of the lease, of the regulations in this part, of applicable orders or notices, or of any other appropriate orders of the DMM or his representative, the DMM shall give the lessee notice in writing to remedy any defaults or violations. Failure by the lessee to perform or commence the necessary remedial action pursuant to the notice may subject the lease to cancellation proceedings pursuant to 43 CFR Subpart 3108 for Federal leases or provisions of Title 25 CFR for Indian leases, or the lessee to a penalty of not more than \$1,000 per day for each and every day the terms of the lease, the regulations, or such orders are violated; or to both such penalty and cancellation. Normally, a penalty would only be assessed for violations involving serious threats to health, safety, property, or the environment, or for continuous disregard of orders. The lessee shall be entitled to notice of noncompliance and a hearing within 30 days after such notice, with respect to the terms of the lease, regulations, or orders violated. The penalty shall be assessed beginning with the date specified in the notice of noncompliance, subject to the outcome of the hearing. The hearing shall be held by the appropriate Minerals Manager whose findings shall be conclusive unless an appeal is taken pursuant to 30 CFR Part 290.

§ 221.54 Payment of assessment or penalties.

(a) Assessments made under § 221.52 are due upon issuance and shall be paid within 30 days of receipt of "Certified Mail" written notice, as directed by the Supervisor or DMM in the notice. Failure to pay assessed damages timely will be subject to late payment charges under § 221.123 of this part.

(b) Penalties under § 221.53 shall be paid within 30 days of the completion of any requested hearing as authorized by that section; or within 30 days of the completion of an appeal pursuant to 30 CFR Part 290. Failure to pay assessed penalties timely will be subject to late payment charges under § 221.123 of this part.

(c) Payments made pursuant to this section shall not relieve the lessee from the responsibility of compliance with the regulations in this part or from liability for waste or any other damage. A waiver of any particular assessment

shall not be construed as precluding an assessment pursuant to § 221.52 for any other act of noncompliance occurring at the same time or at any other time.

§§ 221.55-221.59 [Reserved]**Special Provisions****§ 221.60 Surface rights.**

(a) Lessees shall have the right of surface use only to the extent specifically granted by the lease. With respect to restricted Indian lands, additional surface rights may be exercised when granted by a written agreement with the Indian surface owner and approved by the Superintendent of the Indian agency having jurisdiction.

(b) The Supervisor is responsible for approving and supervising the surface use of all drilling, development, and production activities on the leasehold. This includes storage tanks and processing facilities, sales facilities, all pipelines upstream from such facilities, and other facilities to aid production such as water disposal pits and lines, and gas or water injection lines.

§ 221.61 Damages on restricted Indian lands.

Assessments for damages to lands, crops, buildings, and to other improvements on restricted Indian lands shall be made by the Superintendent and be payable in the manner prescribed by said official.

§§ 221.62-221.69 [Reserved]**Relief, Conflicts, and Appeals****§ 221.70 Relief from operating and producing requirements.**

(a) Applications for relief from either the operating or the producing requirements of a lease, or both, shall be filed in triplicate with the DMM, and they shall include a full statement of the circumstances that render such relief necessary.

(b) The DMM, in the interest of conservation, is authorized to act on applications submitted for a suspension of operations or production or both filed pursuant to 43 CFR Subpart 3103. The application for suspension must be filed with the DMM prior to the expiration date of the lease; must be executed by all lessees of record or, in the case of a Federal unit approved under 30 CFR Part 226, by the unit operator on behalf of committed tracts or by all lessees of such tracts; and include a full statement of the circumstances that render such relief necessary.

(c) If approved, a suspension of operations and production will be

effective on the first of the month in which the completed application was filed with the DMM. Suspensions will terminate when they are no longer justified in the interest of conservation, when such action is in the interest of the lessor, or as otherwise stated by the DMM in the approval letter.

§ 221.71 Conflicts between regulations.

In the event of any conflict between the regulations in this part and the regulations in Title 25 CFR or in 43 CFR Group 3100, concerning oil and gas operations on Federal and Indian leaseholds, the regulations in this part shall govern with respect to the lessee's obligations in the conduct of oil and gas operations, acts of noncompliance, and the jurisdiction and authority of the DMM and the Supervisor.

§ 221.72 Technical and procedural review.

A lessee or operator may request a technical and procedural review of any instructions, orders, or decisions issued by the Supervisor or DMM under the regulations in this part. Such request including all supporting documentation must be filed in writing within 10 working days of the date such instructions, orders, or decisions were received and must be filed with the next higher level reviewing official (the DMM or Minerals Manager, as appropriate). Such a request shall not result in a suspension of the instruction or order unless the reviewing official so determines. The reviewing official will issue a final decision within 10 working days. Where a technical and procedural review is requested, the decision issued upon review will represent the final decision from which an appeal may be taken pursuant to § 221.73 of this part.

§ 221.73 Appeals.

Instructions, orders, or decisions issued under the regulations in this part may be appealed in accordance with the provisions of 30 CFR Part 290. An appeal shall not result in a suspension of the requirement for compliance with the order or decision from which the appeal is taken unless the official to whom the appeal is made determines that suspension of the requirements of the order or decision will not be detrimental to the interests of the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

Royalty Requirements

§ 221.100 Production records; rentals, royalties, and payments; drainage and waste.

The Associate Director for Royalty Management shall compile and maintain

records of production and prices, determine royalties accrued, and estimate the amount and value of oil, gas, and other products wasted. The Associate Director shall render monthly to the lessee, or his agent, statements, showing the amount of oil, gas, casing-head or natural gasoline, propane, butane, or other hydrocarbons produced or sold and the amount or value of production accruing to the lessor as royalty from each lease; the loss by drainage or waste and the compensation due to the lessor as reimbursement; and, except as to any disposal of gas that shall have been determined by the Secretary of the Interior to be sanctioned by the laws of the United States and of the State in which it occurs, the amount and full value, computed at a price of not less than 5 cents per 1,000 cubic feet, of all gas wasted by blowing, release, escape into the air, or otherwise. Also, as to producing leases of Indian lands and lands within naval petroleum reserves, the Associate Director shall determine rental liability, record rental royalty, and other payments, and maintain lease accounts.

§ 221.101 Division orders, run tickets, sales agreement or contracts.

The Associate Director is authorized to approve, subject to such conditions as he shall prescribe, division orders or temporary purchase agreements granting to transportation agencies or purchasers authority to receive products from leased lands in accordance with Government rules and regulations; sign run tickets or other receipts for royalty oil or gas delivered to a representative of the lessor or to the lessor's account; and approve sales agreements and contracts, subject to any conditions, modification, or revocation that may be prescribed on review thereof by the Director.

Cross Reference: For regulations relating to approval of sales agreements or contracts, see Part 223 of this chapter.

§ 221.102 Waste prevention; beneficial use.

The lessee is obligated to prevent the waste of oil or gas, and to avoid physical waste of gas, the lessee shall consume it beneficially or market it or return it to the productive formation. If waste of gas occurs, the lessee shall pay the lessor the full value of all gas wasted by blowing, release, escape, or otherwise at a price not less than 5 cents for each 1,000 cubic feet unless, on application by the lessee, such waste of gas under the particular circumstances involved shall be determined by the Secretary to be sanctioned by the laws

of the laws of the United States and of the State in which it occurs.

§ 221.103 Sales contracts; division orders.

The lessee shall file with the Associate Director triplicate (quadruplicate for production of restricted Indian lands or naval petroleum reserves) executed copies of all contracts for the disposition of all products of the leased land except that portion used for purposes of production on the leased land or unavoidably lost, and he shall not sell or otherwise dispose of said products except in accordance with a sales contract, division order, or other arrangement first approved, as provided in § 221.101.

§ 221.104 Relief from operating, royalty, and rental requirements.

Applications for any modification authorized by law of the royalty or rental requirements of a lease for lands of the United States shall be filed in triplicate in the office of the Associate Director.

Cross Reference: For regulations of the Bureau of Land Management relating to royalty and rental relief, and suspension of operations and production, see 43 CFR Parts 3100 to 3104.

§ 221.105 Royalty and rental payments.

(a) When due in money, the lessee shall tender all payments of rental and royalty by check or draft on a solvent bank, or by money order drawn to the order of the appropriate receiving officer, in accordance with statements rendered by the Associate Director pursuant to § 221.100, or in the case of public-land leases in accordance with instructions of the Bureau of Land Management.

(b) If the lessor elects to take royalty in oil or gas, unless otherwise agreed upon, such royalty shall be delivered on the leasehold, by the lessee to the order of and without cost to the lessor, as instructed by the Associate Director.

§ 221.106 Measurement of oil.

Lease production, pipeline runs.

For the convenience of the lessor and lessee, monthly statements of production and royalty shall be based in general on production recorded in pipeline runs or other shipments. When shipments are infrequent or do not approximate actual production, the Associate Director may require statements of production and royalty to be made on such other basis as he may prescribe, gains or losses in volume of storage being taken into account when appropriate. Evidence of all shipments of oil shall be furnished by pipeline or

other run tickets signed by representatives of the lessee and of the purchaser who have witnessed the measurements reported and the determinations of gravity, temperature, and the percentage of impurities contained in the oil.

§ 221.107 Measurement of gas.

Gas of all kinds (except gas used for purposes of production on the leasehold or unavoidably lost) is subject to royalty.

§ 221.108 Determination of gasoline content of natural gas.

Tests to determine the gasoline content of gas delivered to plants manufacturing gasoline are required to check plant efficiency and to obtain an equitable basis for allocating the gasoline output of any plant to the several sources from which the gas treated is derived.

§ 221.109 Quantity basis for computing royalties on natural gasoline, butane, propane, and other liquid hydrocarbon substances extracted from gas.

The primary quantity basis for computing monthly royalties on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas is the monthly net output of the plant at which the substances are manufactured, "net output" being defined as the quantity of each such substance that the plant produces for sale.

(a) If the net output of a plant is derived from the gas obtained from only one leasehold, the quantity of gasoline or other liquid hydrocarbon substances of which computations of royalty for the lease are based is the net output of the plant.

(b) If the net gasoline output of a plant is derived from gas obtained from several leaseholds producing gas of uniform gasoline content, the proportion of net output of gasoline allocable to each lease as a basis for computing royalty will be determined by dividing the amount of gas delivered to the plant from each leasehold by the total amount of gas delivered by the plant from all leaseholds.

(c) If the net gasoline output of a plant is derived from gas obtained from several leaseholds producing gas of diverse gasoline content, the proportion of net output of gasoline allocable to each leasehold as a basis for computing royalty will be determined by multiplying the amount of gas delivered to the plant from the leaseholds by the gasoline content of the gas and dividing the arithmetical product thus obtained by the sum of the similar arithmetical products separately obtained for all

leaseholds from which gas is delivered to the plant.

(d) If the net output of butane, propane, or other liquid hydrocarbon substances of a plant is derived from gas obtained from several leaseholds, the proportion of net output of such substances allocable to each leasehold as a basis for computing royalty will be determined by substituting the butane, propane, or other liquid hydrocarbon content for the gasoline content and following the method outlined in paragraph (b) or (c) of this section, whichever is applicable: *Provided*, That when in the judgment of the Associate Director, it is impracticable to test gas to determine the content of butane, propane, or other liquid hydrocarbon substances, the gasoline content will be used in determining the proportion of the net output of such substances allocable to each leasehold.

(e) The Associate Director is authorized, whenever in his judgment neither method prescribed in paragraph (b) and (c) of this section is practicable, to estimate the production of natural gasoline, butane, propane, or other liquid hydrocarbon substances from any leasehold from (1) the quantity of gas produced from the leasehold and transmitted to the extraction plant, (2) the gasoline, butane, propane, or other liquid hydrocarbon content of such gas as determined by test, and (3) a factor based on plant efficiency or recovery and so determined as to insure full protection of the royalty interest of the lessor.

§ 221.110 Value basis for computing royalties.

The value of production, for the purpose of computing royalty, shall be the estimated reasonable value of the product as determined by the Associate Director due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices, and to other relevant matters. Under no circumstances shall the value of production of any of said substances for the purposes of computing royalty be deemed to be less than the gross proceeds accruing to the lessee from the sale thereof or less than the value computed on such reasonable unit value as shall have been determined by the Secretary. In the absence of good reason to the contrary, value computed on the basis of the highest price per barrel, thousand cubic feet, or gallon paid or offered at the time of production in a fair and open market for the major portion of like-quality oil, gas, or other products produced and sold from the field or area

where the leased lands are situated will be considered to be a reasonable value.

§ 221.111 Royalty rate on oil; flat-rate leases.

The royalty on crude oil shall be the percentage (established by the terms of the lease) of the value or amount of the crude oil produced from the leased lands.

§ 221.112 Royalty rates on oil; sliding- and step-scale leases (public land only).

Sliding- and step-scale royalties are based on the average daily production per well. The Supervisor shall specify which wells on a leasehold are commercially productive, including in that category all wells, whether produced or not, for which the annual value of permissible production would be greater than the estimated reasonable annual lifting cost, but only wells which yield a commercial volume of production during at least part of the month shall be considered in ascertaining the average daily production per well. The average daily production per well for a lease is computed on the basis of a 28-, 29-, 30-, or 31-day month (as the case may be), the number of wells on the leasehold counted as producing, and the gross production from the leasehold. (Tables for computing royalty on the sliding-scale and on the step-scale basis may be obtained upon application to the Associate Director.) The Supervisor will determine which commercially productive wells shall be considered each month as producing wells for the purpose of computing royalty in accordance with the following rules, and in his discretion may count as producing any commercially productive well shut-in for conservation purposes.

(a) For a previously producing leasehold, count as producing for every day of the month each previously producing well that produced 15 days or more during the month, and disregard wells that produced less than 15 days during the month.

(b) Wells approved by the Supervisor as input wells shall be counted as producing wells for the entire month if so used 15 days or more during the month and shall be disregarded if so used less than 15 days during the month.

(c) When the initial production of a leasehold is made during the calendar month, compute royalty on the basis of producing well-days.

(d) When a new well is completed for production on a previously producing leasehold and produces for 10 days or more during the calendar month in which it is brought in, count such new

wells as producing every day of the month, in arriving at the number of producing well-days. Do not count any new well that produces for less than 10 days during the calendar month.

(e) Consider "head wells" that make their best production by intermittent pumping or flowing as producing every day of the month, provided they are regularly operated in this manner, with approval of the Supervisor.

(f) For previously producing leaseholds on which no wells produced for 15 days or more, compute royalty on a basis of actual producing well-days.

(g) For previously producing leaseholds on which no wells were producing during the calendar month but from which oil was shipped, compute royalty at the same royalty percentage as that of the last preceding calendar month in which production and shipments were normal.

(h) Rules for special cases not subject to definition, such as those arising from averaging the production from two distinct sands or horizons when the production of one sand or horizon is relatively insignificant compared to that of the other, shall be made by the Associate Director as need arises.

(i) (1) In the following summary of operations on a typical leasehold for the month of June, the wells considered for the purpose of computing royalty on the entire production of the property for the months are indicated.

Well No.	Record	Count (marked X)
1.....	Produced full time for 30 days.	X.
2.....	Produced for 26 days; down 4 days for repairs.	X.
3.....	Produced for 28 days; down June 5, 12 hours; rods; June 14, 6 hours; engine down; June 26, 24 hours, pulling rods and tubing.	X.
4.....	Produced for 12 days; down June 13 to 30.	X.
5.....	Produced for 8 hours every day (head well).	X.
6.....	Idle producer (not operated).	
7.....	New well, completed June 17; produced for 14 days.	X.
8.....	New well, completed June 22; produced for 9 days.	

(2) In this example, there are eight wells on the leasehold, but wells Nos. 4, 6, and 8 are not counted in computing royalties. Wells Nos. 1, 2, 3, 5, and 7 are counted as producing for 30 days. The average production per well per day is determined by dividing the total production of the leasehold for the month (including the oil produced by wells 4 and 8) by 5, the number of wells counted as producing, and dividing the

quotient thus obtained by the number of days in the month.

§ 221.113 Royalty on gas.

The royalty on gas shall be the percentage established by the terms of the lease of the value or amount of the gas produced.

(a) Royalty accrues on dry gas, whether produced as such or as residue gas after the extraction of gasoline.

(b) If the lessee derives revenue on gas from two or more products, a royalty normally will be collected on all such products.

(c) For the purpose of computing royalty, the value of wet gas shall be either the gross proceeds accruing to the lessee from the sale thereof or the aggregate value determined by the Secretary of all commodities, including residue gas, obtained therefrom, whichever is greater.

§ 221.114 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas.

A royalty as provided in the lease shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The value shall be so determined that the minimum royalty accruing to the lessor shall be the percentage established by the lease of the amount or value of all extracted hydrocarbon substances accruing to the lessee under an arrangement, by contract or otherwise, for extraction and sale that has been approved by the Associate Director.

(a) When a minimum price established by the Secretary is used in determining the value of natural gasoline accruing to the lessee, the volume of such gasoline may be corrected when deemed necessary by the Associate Director to such standard and by such method as may be approved by the Associate Director, in order that volumetric differences between natural gasolines of various specifications may be equitably adjusted.

(b) The present policy is to allow the use of a reasonable amount of dry gas for operation of the gasoline plant, the amount allowed being determined or approved by the Associate Director, but no allowance shall be made for boosting residue gas, or other expenses incidental to marketing.

§ 221.115 Royalty on drip gasoline or other natural condensate.

The royalty on all drip gasoline, or other natural condensate recovered from gas produced from the leased lands without resort to manufacturing process, shall be the same percentage as provided in the lease for other oil, except that such substance, if processed in a casing-head gasoline plant, shall be treated for royalty purposes as though it were gasoline.

§ 221.116 Liquidated damages.

Administrative costs arising out of certain defaults or violations of orders requiring the performance of certain duties by lessees, as set forth in the regulations in this part, constitute loss or damage to the United States the amount of which is difficult or impracticable of ascertainment. Therefore, the following amounts shall be deemed to cover such loss or damage and shall be payable upon receipt of notice from the Associate Director of such loss or damage.

(a) For failure to comply with a written order or instructions of the Associate Director, \$250 if compliance is not obtained within the time specified.

(b) For failure to file sales contracts or division orders as required by lease terms, \$25 for each violation, and for failure to submit pipeline run tickets, or other proper evidence of disposal as required by these regulations, \$10 for each violation.

(c) For failure to file the following reports within the time specified in the regulations in this part, or within such other time designated in writing by the Associate Director, \$10 for each violation.

(1) Lessee's Monthly Report of Operations. Daily Report of Gas-Producing Wells, when required. Lessee's Statement of Oil and Gas Runs and Royalties.

(2) Special forms or reports as required by the Associate Director.

§ 221.117 Monthly report of operations (Form 9-329 Public; Form 9-329A Indian).

A separate report of operations for each lease must be made on Form 9-329 for public land and on Form 9-329A for Indian land, for each calendar month, beginning with the month in which drilling operations are initiated, and must be filed in duplicate with the Supervisor on or before the 6th day of the succeeding month, unless an extension of time for the filing of such report is granted by the Supervisor. The report on this form shall disclose accurately all operations conducted on each well during each month, the status

of operations on the last day of the month, and a general summary of the status of operations on the leased lands, and the report must be submitted each month until the lease is terminated or until omission of the report is authorized by the Associate Director. It is particularly necessary that the report shall show for each calendar month:

(a) The lease be identified by inserting the name of the United States land office and the serial number, or in the case of Indian land, the lease number and lessor's name, in the space provided in the upper right corner;

(b) Each well be listed separately by number, its location be given by 40-acre subdivision ($\frac{1}{4}$ sec. or lot), section number, township, range, and meridian;

(c) The number of days each well produced, whether oil or gas, and the number of days each input well was in operation be stated;

(d) The quantity of oil, gas, and water produced, the total amount of gasoline, and other lease products recovered, and other required information. When oil and gas, or oil, gas, and gasoline, or other hydrocarbons are concurrently produced from the same lease, separate reports on this form should be submitted for oil and for gas and gasoline, unless otherwise authorized or directed by the Associate Director.

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date each such depth was reached, the date and reason for every shut-down, the names and depths of important formation changes and contents of formations, the amount and size of any casing run since last report, the dates and results of any tests such as production, water shut-off, or gasoline content, and any other noteworthy information on operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the Associate Director. If no runs or sales were made during the calendar month, the report must so state.

§ 221.118 Daily report of gas-producing wells (Form 9-352).

Unless otherwise directed by the Associate Director, the readings of all meters showing production of natural gas from leased lands shall be submitted daily on Form 9-352, together with the meter charts. After a check has been had, the meter charts will be returned.

§ 221.119 Statement of oil and gas runs and royalties (Form 9-361 Public; Form 9-361A Indian).

When directed by the Associate Director, a monthly report shall be made by the lessee in duplicate, on Form 9-361 or Form 9-361A, showing each run of oil, all sales of gas, gasoline, other lease products, and the royalty accruing therefrom to the lessor. When use of this form is required, it must be completely filled out and sworn to.

§ 221.120 Royalty and rental remittance (Form 9-614A Indian).

Form 9-614A, completely filled out and signed, shall be submitted to the Associate Director in triplicate and shall accompany each remittance covering payments of royalty or rental on Indian lands.

§ 221.121 Royalty and rental remittance (naval petroleum reserves).

Remittance covering payments of royalty or rental on naval petroleum reserves must be accomplished by necessary identification information and sent direct to the Director, Naval Petroleum Reserves in California.

§ 221.122 Special forms or reports.

When special forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the Associate Director.

§ 221.123 Late payment or underpayment charges.

(a) The failure to make timely or proper payments of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection by the MMS of the full amount past due plus a late payment charge. Exceptions to this late

payment charge may be granted when estimated payments on minerals production have already been made timely and otherwise in accordance with instructions provided by MMS to the payor. However, late payment charges assessed with respect to any Indian lease, permit, or contract shall be collected and paid to the Indian or tribe to which the amount overdue is owed.

(b) Late payment charges are assessed on any late payment or underpayment from the date that the payment was due until the date on which the payment is received in the appropriate MMS accounting office. Payments received after 4 p.m. local time on the date due will be acknowledged as received the following workday.

(c) Late payment charges are calculated on the basis of a percentage assessment rate. In the absence of a specific lease, permit, license, or contract provision prescribing a different rate, this percentage assessment rate is prescribed by the Department of the Treasury as the "Treasury Current Value of Funds Rate."

(d) This rate is available in Treasury Fiscal Requirements Manual Bulletins that are published prior to the first day of each calendar quarter for application to overdue payments or underpayments in that new calendar quarter. The rate is also published in the Notices section of the Federal Register and indexed under "Fiscal Service/Notices/Funds Rate; Treasury Current Value."

(e) Late payment charges apply to all underpayments and payments received after the date due. The charges include production and minimum royalties; assessments for liquidated damages; administrative fees and payments by purchasers of royalty taken-in-kind; or any other payments, fees, or assessments that a lessee/operator/permittee/payor/royalty taken-in-kind purchaser is required to pay by a specified date. The failure to pay past due amounts, including late-payment charges, will result in the initiation of other enforcement proceedings.

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Environmental Protection Agency

Wednesday
October 27, 1982

Part IV

**Environmental
Protection Agency**

**Standards of Performance for New
Stationary Sources**

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 60

[AD-FRL 2070-5(a)]

Standards of Performance for New
Stationary Sources; Industrial Surface
Coating—Large AppliancesAGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes standards of performance to limit emissions of volatile organic compounds (VOC's) from new, modified, and reconstructed surface coating operations within large appliance assembly plants. The standard was proposed in the *Federal Register* on December 24, 1980 (45 FR 85085). This standard implements Section 111 of the Clean Air Act and is based on the Administrator's determination that the surface coating of large appliances causes, or contributes significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of this standard is to require all new, modified, and reconstructed large appliance surface coating operations to control emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, non-air-quality health, and environmental and energy impacts.

EFFECTIVE DATE: October 27, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard (NSPS) is available *only* by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES:

Background Information Document. The background information document (BID) for the final standard may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Industrial Surface Coating: Large Appliances—Background Information for Promulgated Standards" (EPA-450/3-80-037b). The BID contains (1) a summary of all public comments made on the proposed standard and the Administrator's responses to the

comments; (2) a summary of changes made to the standard since proposal; and (3) the final environmental impact statement (EIS), which summarizes the impacts of the standard.

Docket. A docket, number A-80-06, containing support information used in developing the promulgated standard, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Chief, Standards Preparation Section, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000-0473

The Standard

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

* * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standard applies to new, modified, or reconstructed large appliance surface coating operations for which construction was commenced after December 24, 1980. Existing facilities are not subject to the regulation unless modified or reconstructed as defined in 40 CFR 60.14 or 60.15. The standard, as revised since proposal, applies to each prime coat and each topcoat operation within a large appliance assembly plant where large appliance parts are being coated with organic coatings. Powder coatings, however, are excluded from the definition of organic coatings. VOC emissions from each affected facility are limited to a monthly average of 0.90 kilogram per liter of applied coating solids. An affected facility is defined as a surface coating operation that consists of an application station(s), flashoff area(s), and a curing oven. Coating operations for any of the following organic surface-coated metal products manufactured for household, commercial, or recreational use are subject to the standard:

Range	Washer
Oven	Dryer
Microwave oven	Dishwasher
Refrigerator	Water heater
Freezer	Trash compactor

BDT for this industry has been determined to be the application of a coating containing 62 percent by volume of solids at a transfer efficiency of 60 percent with an assumed solvent density of 0.88 kg/l. The regulation, however, permits tradeoffs between these variables. In other words, an owner or operator using application equipment with a higher transfer efficiency may use a coating with a correspondingly lower solids content. Compliance can also be achieved by the use of coatings with an average organic-solvent content that, in conjunction with any capture system and control device operated at the reduction efficiency demonstrated during the most recent performance test, limits emissions to 0.90 kg/l of applied coating solids.

Following the initial 1-month performance test, the owner or operator must calculate and record the VOC emissions from each affected facility for each calendar month. Each monthly calculation is considered a performance test. Information necessary to perform the monthly calculation can be obtained from company records and data supplied by the coating manufacturer or by an analysis of the coating by Reference Method 24. Equations and transfer efficiencies for calculating the emissions for each affected facility are provided in the standard. Reference Method 25 will be used to determine the VOC concentration in a gas stream. This method in conjunction or combined with Reference Methods 1, 2, 3, and 4 will be used to determine the percentage reduction of VOC emissions achieved through use of a capture system and control system.

Recordkeeping requirements include those data necessary to substantiate the monthly calculations of emissions. These data must be retained at the source for a period of 2 years. The regulation contains no reporting requirements in addition to those required by the General Provisions of 40 CFR Part 60 relative to the initial performance test.

Environmental, Energy, and Economic Impacts

In 1980 it is believed that there were a total of 59 companies operating 104 facilities engaged in the production of large household appliances. Although plants are widely dispersed throughout 25 States, industry production is concentrated in the Midwestern and

Midsouthern States. It is estimated that the standard will apply to approximately 160 new, modified, or reconstructed surface coating operations (40 plants) by 1986.

Environmental, energy, and economic impacts of standards of performance are normally expressed as incremental differences between a facility complying with the proposed standard and a facility complying with a typical State implementation plan (SIP) emission standard. Most existing large appliance surface coating operations are in localities that are considered nonattainment areas for achieving the national ambient air quality standard (NAAQS) for ozone. New facilities are expected to locate in similar areas. At the time the emissions estimates in the BID for the proposed standard were prepared, SIP's were being revised for these areas. In revising their SIP's, most States were relying upon the control techniques guideline (CTG) document, "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances" (EPA-450/2-77-034[CTG]). It appeared that most States were adopting the CTG recommendations statewide, in attainment as well as in nonattainment areas. For this reason, no distinction was made between the "no additional regulation" alternative and the alternative eventually selected as BDT. Both were based upon 62 percent (volume) solids coatings, and the transfer efficiency incorporated into the BDT alternative was an estimate of the average transfer efficiency actually achieved in the industry. Therefore, in the documents supporting the proposed standard, the emissions reduction attributable to the NSPS was reported as "minimal."

Now that the majority of SIP revisions have been approved, the emissions estimates have been refined. A recent analysis that is documented in the BID for the final standard indicates that 89 percent of the known large appliance manufacturing plants are located in nonattainment areas or in attainment areas where the emissions limits are at least as strict as those recommended by the CTG. If the projected growth in the industry is accommodated through plants subject to the NSPS distributed geographically in the same manner as existing plants (rather than through increased use of existing capacity), it is estimated that the standard will reduce nationwide VOC emissions by approximately 700 metric tons per year by 1986.

Standards of performance have other benefits in addition to reducing

emissions beyond the requirements of a typical SIP. They establish a degree of national uniformity, which precludes situations in which some States may attract new industries as a result of having relaxed air pollution standards relative to other States. Further, standards of performance provide documentation that reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated costs, evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. Costs are provided in an economic analysis that reveals the affordability of controls in an unbiased study of the economic impact of controls on an industry.

The rulemaking process that implements a performance standard assures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government, and the public affected by that industry's emissions. The resultant regulation represents a balance in which government resources are applied in a well-publicized national forum to reach a decision on a pollution emission level that allows a dynamic economy and a healthful environment.

Surface coating operations in a typical large appliance assembly plant consume 73,000 GJ of energy a year. Because no new coatings, application methods, or control devices will be required, this standard will have no discernible impact on energy consumption in the large appliance industry.

Although growth through the next few years will probably be dampened by inflation, it is predicted that the large appliance industry will continue to experience steady, if minimal, overall growth. As in previous years, industry growth is expected to be confined to major manufacturers. The acquisition trend is also expected to continue as small manufacturers, unable to compete with mass producers, become prime candidates for acquisition. Although inflationary pressures are expected to increase industrywide prices during the next few years, price increases are expected to remain minimal.

Surface coating operations in a typical large appliance assembly plant

represent a capital investment of almost \$3 million. Annual direct operating costs are approximately \$1.8 million. Because no new coatings, application methods, or control devices will be required, it is estimated that the standard will have no discernible impact on capital or operating costs of new surface coating operations within large appliance assembly plants. For the same reasons, no impact on product price is anticipated. The standard's impact on water pollution and solid waste disposal will also be minimal.

Detailed analyses of the regulatory alternatives and the environmental, energy, and economic impacts of the standard of performance were originally presented in "Industrial Surface Coating: Appliances—Background Information for Proposed Standards" (EPA-450/3-80-037a) and remain unchanged since proposal.

Public Participation

Prior to proposal of the standard, interested parties were advised by public notice in the *Federal Register* (45 FR 30686, May 9, 1980) of a meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the standard for appliance surface coating operations recommended for proposal. Held on June 5, 1980, the meeting was open to the public and each attendee was given an opportunity to comment on the standard recommended for proposal. The standard was proposed and published in the *Federal Register* on December 24, 1980 (45 FR 85085). The preamble to the proposed standard discussed the availability of the BID, "Industrial Surface Coating: Appliances—Background Information for Proposed Standards" (EPA-450/3-80-037a), which describes in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at that time and copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on January 28, 1981, at Research Triangle Park, North Carolina. The hearing was open to the public and each attendee was given an opportunity to comment on the proposed standards. Written comments were accepted throughout the comment period, which extended from December 24, 1980, to February 23, 1981.

Twenty-one comment letters were received and three interested parties testified at the public hearing concerning issues relative to the proposed standard

of performance for the appliance surface coating source category. The comments have been carefully considered and, where determined to be appropriate, changes have been made in the proposed standard.

Significant Comments and Changes to the Proposed Standard

Comments on the proposed standard were received from the appliance industry, the coatings industry, Federal agencies, one State and one local air pollution control agency, and two trade associations. Although a number of changes have been made in the standard since proposal, the affected facilities, control techniques on which the standard is based, and impacts remain as presented in the BID for the proposed standard. A detailed discussion of the comments and responses can be found in the BID for the promulgated standard. Most comment letters contained multiple comments. Major comments and responses are summarized in this preamble and have been divided into the following areas: General, Emission Control Technology, and Reporting and Recordkeeping.

General

This standard was proposed as an appliance surface coating standard that included several appliances not traditionally considered to be large household appliances, the category that appeared on the priority list of major source categories for which EPA is to promulgate NSPS. These other products had been added for reasons to be enumerated below, and a proposal to amend the priority list to include all appliances regardless of size was published in the Federal Register (45 FR 85099) concurrently with the proposal of the standard (December 24, 1980).

Several commenters said that the numerous small appliances manufactured by the home ventilating industry should not be covered by the appliance standard because the home ventilating industry and large appliance industry use different types of coatings and application equipment and have different manufacturing environments. Line speeds in large appliance manufacturing plants are faster, and coating operations of the two industries are not similar. Large appliance manufacturing plants make one or two products using a two-coat system, while home ventilating plants make a wide variety of products using a single-coat system. The coating technology is not as advanced in the small shops making the small appliances, and the existing small appliance coating application equipment does not approach the 60-percent

assumed average transfer efficiency for large appliances. Failure to recognize these differences will allow unfair advantage to a few industries.

One company further commented that its range hoods are coated with a single-coat, modified alkyd baking enamel formulated for a hot, grease-laden environment. Specifications for this coating differ from specifications for acrylic coatings used in the large appliance industry. Another commenter stated that the available high-solids coatings were inadequate for coating irregularly shaped objects like range hoods and fans. Compliance coatings are reasonably available for the five major appliance colors but are not reasonably available for the other thirteen colors and color combinations used for range hoods. According to this commenter, while approaches to the development of new low-solvent coatings and new, efficient application systems for home ventilating products show promise [waterborne and high-solids coatings; exempt solvents, powder coatings, and electrodeposition (EDP)], they are still in the experimental stage.

The commenters continued that although much of the coating equipment used in the home ventilating industry is similar to that used in the large appliance industry, distinct shape differences for some parts make spinning disc electrostatic equipment, which is common in the large appliance industry, impractical for coating range hoods with high-solids coatings. Small appliance application coating equipment, like large appliance application equipment, will have to undergo modification before high-solids coatings are used.

As the commenters reported, often in the home ventilating industry, parts of several appliance products are coated on the same line. As different standards might then exist for different products, productivity would suffer while the line was changed to comply with whatever standards might apply to the units being coated. If the most stringent standard were used for all products coated on this hypothetical line, those not covered (but coated in compliance, nevertheless) may not be able to remain competitive with products made by manufacturers who did not have to comply. Different standards might also apply to different lines within a plant. One of the commenters stated that because of time constraints and limited resources, he was unable to provide complete cost information on the range hood/fan segment of the industry, and, therefore, only noted that the model plants used in

the economic analysis are not typical of this segment of the industry.

Comments of a similar nature concerning the availability of high-solids coatings in many colors and the differences in coating operations were also received from one manufacturer of refrigerated display cases.

Based upon the comments received, EPA has determined that in the absence of additional analysis and study, it is inappropriate to conclude that BDT for the manufacture of traditional large appliances also applies to the manufacture of other appliances. The majority of data upon which the proposed standard was developed pertained to the surface coating of traditional household appliances such as ranges, microwave ovens, ovens, refrigerators, laundry equipment, and freezers. This information is contained in the BID for the proposed standard. The decision to regulate 17 other appliance products (range hoods, refrigerated display cases, dry cleaning equipment, water softeners, interior lighting fixtures, vacuum cleaners, ice makers, air purifiers, baseboard heaters, room heaters, humidifiers, dehumidifiers, fans, furnaces, window air conditioners, unitary air conditioners, and heat pumps) was made subsequent to development of the majority of the background information. This decision was made because the coating application methods appeared to be identical to those used in large appliance coating operations and because the coating materials and performance specifications also appeared to be similar to those used in the large appliance industry. Therefore, there appeared to be no technical reason to exclude these other appliance products. As a result of the reevaluation prompted by these comments, the entire group of 17 other appliance products listed above has been deleted from the standard. This is not to imply that none of these industries can achieve the levels of control required by this standard. This or even more stringent requirements may be appropriate in the application of BACT or LAER.

In addition, the Administrator has concluded from these comments that further examination of such factors as projected growth and applicable emission limits for other segments of the appliance coating industry are necessary before concluding that these other appliance coating operations contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the Agency is withdrawing the proposed amendment to aggregate

all appliance surface coating operations into one source category on the priority list. An announcement to this effect appears elsewhere in this issue of the **Federal Register**.

One commenter stated that one company in its corporation uses an aluminum-based coating on gas furnace parts that are subject to very high temperatures (1,000° F) and may use similar coatings on certain parts of gas dryers and water heaters. While the coating solids are inorganic, the material is spray applied with an organic carrier that yields organic-solvent emissions. A question existed as to whether this coating would be considered an "organic coating." If so, it would not meet the standard nor would any other temperature-resistant coating known to the commenter.

Although an "organic coating" was not defined explicitly in the proposed standard, EPA considers any coating that yields VOC emissions to be organic. For clarification, a definition of an "organic surface coating" has been added in § 60.451 of the final regulation. In addition, the specific problem raised by the commenter is corrected in the final version of the standard by incorporating a temperature cutoff in the regulation. After several industry representatives were consulted, 250° F was selected as the cutoff because coatings required to withstand heat in excess of this temperature are difficult, if not impossible, to formulate at the 62-percent (volume) solids level. The coating of appliance parts that are subject to in-use temperatures above 250° F, therefore, is not subject to the emission limitations in this standard.

One commenter noted that key operating parameters of application equipment should be checked regularly to ensure that equipment is being operated in accordance with manufacturers' specification. These checks could be performed at the same time monthly determinations of VOC emissions compliance are made. It was recommended that the Agency encourage operator training by offering an incentive in the form of additional transfer efficiency credits for firms that have operator training programs.

Proper operation and maintenance of facilities is required in § 60.11(d) of the General Provisions of 40 CFR Part 60. Therefore, improper operation or emission excesses resulting from improper operator training would be considered a violation of § 60.11(d). Although EPA certainly encourages industry to provide adequate training for its spray equipment operators, a mechanism to "credit" operator training is not within the scope of EPA's

regulatory development program. The training program's adequacy would have to be monitored, and the implementation and enforcement requirements are considered to be excessive. Decreases in coating use, part rejection, and maintenance are major economic incentives for a company to implement an operator training program. The Agency believes these reasons are sufficient to ensure proper operation and maintenance of application equipment.

Three commenters noted that technical requirements for surface coating of wood stoves, furnaces, and room heaters are not similar to large appliances in that high temperature requirements preclude the use of water-based coatings. High-solids coatings are also not available to meet these performance specifications. Consequently, wood stoves, furnaces, and room heaters should be classified as miscellaneous metal parts and products with extreme performance characteristics and should not be covered in this regulation.

Wood stoves and direct-fired room heaters were never intended to be included in this regulation. Although one commenter indicated successful testing of a coating that could achieve the proposed emission limit, EPA does not have sufficient data to conclude that such coatings have been adequately demonstrated. Because the coating of large appliance parts exposed to extreme temperatures was not intended to be subject to the proposed standard, the definition of large appliance parts to be covered by this regulation has been clarified. In addition, furnaces and room heaters have been excluded from the list of products to be covered by this regulation.

One commenter expressed concern that the proposed standard was unduly restrictive in that it did not allow use of the "bubble concept," whereby credit for overcompliance on one line could be used to offset use of noncompliance coatings on another line. Other commenters stated that many firms manufacturing smaller appliances finished several products on a single line.

The "bubble concept" refers to application of a standard to an entire plant rather than to separate portions of an individual plant. The term "affected facility" refers to the particular portion of a plant to which a standard applies. In this case the affected facility has been defined as a surface coating operation, which consists of a coating application station(s), flashoff area(s), and an oven. The choice of the affected facility for any standard is based on the Agency's interpretation of the Clean Air

Act, as amended, and judicial construction of its meaning. Under Section 111, the NSPS must apply to "new sources;" a "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" [Section 111(a)(3)]. Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants and that might be viewed as "sources." EPA uses the term "affected facility" to designate the equipment, within a particular kind of plant, that is chosen as the "source" covered by a given standard.

In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards in that particular industrial context. One major consideration in this decision is that use of a narrower definition brings replacement equipment under the NSPS sooner. If, for example, an entire plant were designated the affected facility, no part of the plant would be covered by the standard unless the plant as a whole were "modified." If, on the other hand, each piece of equipment were designated the affected facility, as each piece were replaced, the replacement piece would be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by the application of the best demonstrated control technology (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that the relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition. As shown in the BID, it is both technologically and economically feasible to control each coating operation. Since selecting this narrowest definition of the affected facility would achieve the greatest emission reduction, this definition is most consistent with the purposes of Section 111.

Two other possible definitions of the affected facility in this standard are all prime coat (or topcoat) operations in a product line and all prime coat (or topcoat) operations within an assembly plant. The product line definition would have reduced the number of affected facilities and would have permitted tradeoffs between different coatings and

application technologies. Likewise, defining all prime coating (or topcoating) operations within a plant as the affected facility would have reduced the number of affected facilities and, consequently, the associated recordkeeping and compliance calculations. However, such definitions would not necessarily result in either the use of best technology or the minimization of emissions from new sources. For these reasons, the Agency has chosen each surface coating operation as the affected facility.

The specific concern from small appliance manufacturers who finish several products on a single line that different standards would apply to different products on the same coating line is no longer applicable since manufacturers of these products are not subject to the promulgated standard. The Agency is not aware of any large appliance manufacturers finishing several products on a single line who might encounter this situation.

One commenter opposed implementation of the proposed standard at this time because he considered additional regulations unnecessary and overly burdensome and thought industry deserves to be advised of the real need for VOC standards more stringent than those now imposed.

Standards of performance are promulgated under Section 111 of the Clean Air Act. Section 111(b)(1)(A) requires that the Administrator establish standards of performance for categories of new, modified, or reconstructed stationary sources that in his judgment cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Standards of performance prevent new air pollution problems from developing by requiring application of the best technological system of continuous emission reduction that the Administrator determines to be adequately demonstrated. The 1977 Amendments to the Clean Air Act added the words, "in the Administrator's judgment," and the words, "may reasonably be anticipated," to the statutory test. The legislative history for these changes stresses two points:

- The Act is preventive, and regulatory action should be taken to prevent harm before it occurs; and
- The Administrator should consider the contribution of each single class of sources to the cumulative impact of all VOC emitters.

The 1977 Amendments to the Clean Air Act also required that the Administrator promulgate a priority list of source categories for which standards

of performance are to be promulgated. The priority list, 40 CFR 60.16, was promulgated in the *Federal Register* on August 21, 1979 (44 FR 49222). Development of the priority list was initiated by compiling data on a large number of source categories from literature resources. Major stationary source categories were then subjected to a priority ranking procedure using the three criteria specified in Section 111(f) of the Act. The procedure ranks source categories on a pollutant-by-pollutant basis. In this ranking, first priority was given to the quantity of emissions, second priority was given to the potential impact on health or welfare, and third priority was given to the mobility and competitive nature of the source category.

In light of the considerations stated above, the Administrator found that the large appliance coating industry is a "significant contributor." (Applying the criteria for prioritizing such contributors, the Administrator ranked the surface coating of large appliances 28th of 59 source categories on the priority list.) This listing decision requires the Agency to promulgate standards of performance for new sources in this category.

Another study was conducted to investigate the large appliance surface coating industry in more detail. This study resulted in development of the BID, which specifically addressed the industry in terms of structure, processes, and emission control techniques. The BID also described modification and reconstruction; alternative regulatory options; and the environmental, economic, and energy impacts that would be associated with implementing each of the various regulatory options. During this study it was estimated that a minor reduction in emissions would result from the proposed regulation, primarily because of improvements already achieved by State regulations. A more recent study, however, estimated that the standard would reduce nationwide VOC emissions by 700 metric tons per year by 1986. This new study is documented in the BID for the final standard. The regulation has other benefits in addition to reducing emissions beyond those required in State regulations. The transfer efficiency concept incorporated in this regulation was not included in the CTG document issued to the States. Its inclusion here is a major benefit because specifying an emissions limit based upon a specific VOC content and a specific transfer efficiency automatically incorporates an equivalency provision into the regulation and allows tradeoffs between VOC content and transfer efficiency. That is, an operator using application

equipment with a high transfer efficiency could use a coating with a higher VOC content. Such a provision also enables the diverse coatings and application techniques within the industry to be accommodated by a single standard.

Also, standards of performance establish a degree of national uniformity, which precludes situations in which some States may attract industries by relaxing air pollution standards relative to other States. They improve the efficiency of case-by-case determinations of BACT for facilities located in attainment areas and LAER for facilities located in nonattainment areas, by providing a starting point for the basis of these determinations. This starting point results from the process of developing a standard of performance, which involves comprehensive analysis of alternative emission control technologies and evaluation and verification of emission test methods.

For these reasons, VOC emissions from large appliance surface coating operations have been selected for regulation under an NSPS.

Emission Control Technology

One of the commenters stated that the generic classifications of equipment in Table 1 (Section 60.453) are poorly defined and inappropriate. The Agency's listing of transfer efficiencies for generic equipment will encourage the use of lower priced, inferior equipment that does not perform as well as the Agency has indicated. The listing will also discourage use of equipment that presently exceeds listed values, since added credit may be difficult to obtain. For this reason, the Agency's estimates of emission reductions are overstated and the objectives will not be met. The commenter suggested that a standardized test method be adopted to determine transfer efficiency. Equipment could then be "certified" by the manufacturer and a list of equipment ratings and operating conditions could be supplied to EPA for publication. The equipment operator should be required to use these published transfer efficiencies to determine compliance.

The promulgated standard will significantly benefit users of equipment that has a high transfer efficiency because of the flexibility of coating selection it will afford. Incorporation of the transfer efficiency concept into this standard is one of the main improvements over earlier RACT guidelines and existing State regulations because existing regulations do not give credit for transfer efficiency. With this

regulation, due credit will be given to users of more efficient equipment.

EPA recognizes that the actual transfer efficiency achieved in production line situations depends on a large number of variables. It was this difficulty in determining transfer efficiency values that caused EPA to use the table of assigned numbers. Any improvement in the efficiency at which coatings are applied will benefit both the EPA's goal of reducing VOC emissions and the industry's goal of achieving more economical operation. A more detailed listing of transfer efficiency values would require a uniform test method for all situations. Such a method has not yet been developed but is under investigation by EPA's Industrial Environmental Research Laboratory (IERL). The Agency does not believe the listed transfer efficiencies will promote the use of inferior equipment because operating cost advantages, such as decreased coating usage, will dictate the use of efficient equipment and encourage its proper operation.

Several commenters stated that the proposed standard was inequitable because the concept of assumed transfer efficiency did not account for the following parameters:

- Part configuration,
- Type of coating,
- Solids level,
- Resin type,
- Flow rate,
- Operator efficiency,
- Local environmental conditions,
- Charging voltages, and
- Interaction of all of the above

variables with each type of application equipment.

Two of these commenters suggested that spray equipment manufacturers had not had adequate opportunity to suggest an appropriate test method to determine actual transfer efficiency that could be incorporated into the standard. It was suggested that the National Spray Equipment Manufacturers Association (NSEMA) coordinate industry responses on transfer efficiency. Exception was taken to NSEMA not being contacted during development of this standard.

No changes were made in the regulation as a result of these comments. EPA believes that to reflect BDT for the large appliance coating industry, emission limits for new sources must incorporate the use of both high-solids coatings and relatively efficient application equipment but must not at the same time deny industry flexibility to use different types of application equipment and different coatings. For this reason, the Agency has included the

key transfer efficiency concept in this standard.

The commenter's claim that all the listed parameters affect transfer efficiency is correct. However, a universally acceptable test method for determining precise transfer efficiency under each conceivable set of variables has not yet been developed. This means that the Agency must either delete this crucial component of BDT or instead include in the standard assigned transfer efficiency values that correlate at least generally to the efficiencies of the application equipment used in the industry. EPA has chosen the latter course. The Agency has included values that are correlated to each piece of equipment and are sufficiently high to ensure that, regardless of coating properties and other relevant variables, each facility will be credited with at least the efficiency its equipment attains with the particular coatings it applies. These transfer efficiencies listed are based on data provided by spray equipment manufacturers and results of tests conducted during standard development. EPA contacted and visited several equipment and coatings manufacturers during the standard development process. Summaries of these contacts are contained in Docket Category II-E.

Moreover, the standard provides that if the operator can demonstrate to the satisfaction of the Administrator that other transfer efficiencies are appropriate (e.g., due to variables such as those cited in the comment), the Administrator will approve their use on a case-by-case basis. This provision ensures that a facility using equipment that achieves an efficiency greater than that assigned by the standard is fully credited for the efficiency achieved.

One commenter noted that the potential for cost effectiveness and overall performance of regenerative thermal oxidation systems was not included in background documentation for the proposed standard. A system designed by this company is said to be capable of providing primary heat exchange efficiencies of up to 95 percent in the thermal oxidation process. The high thermal energy recovery of this system allows operation in a self-sustaining mode of hydrocarbon contents of from 3 to 5 percent of the lower explosive limit (LEL). Little or no additional fuel is required. This system virtually eliminates the following problem areas generally associated with incineration systems:

- Fouling of heat transfer surfaces,
- Corrosion,
- Catalyst poisoning,

- Secondary emissions, and
- High operating costs with low LEL gas streams.

The commenter requested clarification of the potential of regenerative thermal oxidation systems in the documentation for the promulgated standard.

Regulatory Alternative B-III, outlined in Chapter 6 of the BID for the proposed standard, presents EPA's analysis of incineration of the topcoat exhaust. The analysis reveals that this option has a significantly greater capital investment and an increase in energy consumption over other options. Although the annual operating costs and energy use of a regenerative thermal oxidation system may be lower, initial capital investment is large compared to that for low-solvent coatings technology. Reduction in total organic-solvent emissions realized by controlling the topcoat oven exhaust is small because only 20 percent of these emissions are concentrated in the oven. The remaining 80 percent of the emissions are fugitives from the application and flashoff areas. The small percentage of emissions available for reduction by incineration makes any incinerator difficult to cost justify when compared to low-solvent coatings. For this reason and others set forth in the preamble to the proposal, EPA has decided to base the standard on low-solvent processes, rather than on incineration. Therefore, EPA does not consider necessary further clarification of the potential of regenerative thermal oxidation systems in the documentation for the promulgated standard.

Reporting And Recordkeeping

A comment received during development of another surface coating standard that is considered applicable to large appliance surface coating indicated that the 10-calendar-day period within which violations of the standards must be reported was insufficient to permit the coordination and clearances required to notify EPA of a violation.

As a result of this comment and others, EPA has been investigating alternative ways of reducing monitoring, recordkeeping, and reporting burdens on owners and operators. The goal is to reduce all recordkeeping and reporting not essential to determining compliance or to ensuring proper operation and maintenance. After reviewing requirements in the proposal, EPA determined that monthly compliance tests, monitoring, and compilation of monitoring data are essential for both the owner or operator and EPA to determine compliance and to ensure proper operation and maintenance. A

responsible owner or operator would need monitoring information compiled in a usable form to determine when adjustments in the control system are needed to ensure that it is performing at its intended effectiveness level.

EPA is therefore requiring only the additional step of filing the information in an accessible location. Because EPA judges that monthly compliance tests, monitoring, and recordkeeping are essential for determining compliance and proper operation and maintenance, these requirements have not been changed since proposal. It was judged, however, that reporting is not essential to EPA. In addition, when States are delegated the authority to enforce this standard, they may prefer either not to have reporting or to have reporting on a different schedule than EPA proposed. Therefore, the requirement to report violations of the standard and quarterly incineration reports has been removed since proposal. A State, however, at any time is free to impose its own reporting requirements in conjunction with this regulation.

Another commenter expressed concern over the time a facility would need for recordkeeping and reporting to determine monthly compliance as proposed in the regulation and stated that an added overhead burden would be placed on the industries that ultimately would be passed on to the consumer. Another commenter estimated that it would probably require one person per year at each affected plant, considerably more than estimated in the preamble.

As stated in the previous response, the requirement to report violations of monthly compliance tests has been removed since proposal. In the preamble to the regulation it was estimated that in the fifth year of applicability the promulgated regulation would apply to 160 affected facilities and over these 5 years would require about 40 industry person-years for recordkeeping and reporting. This amounts to about 1 person-month per affected facility per year. (This information is contained in a Reports Impact Analysis, Docket Entry II-1-20. Because all reporting requirements except for the initial performance test results have been eliminated from the standard, and because of the requirement to estimate the Agency resources needed for observing performance tests and for litigation, the Reports Impact Analysis has been revised since proposal. It is now estimated that the industry burden for recordkeeping and reporting will be 28 person-years over the first 5 years of applicability.) Information a

manufacturer needs to keep on a day-to-day basis to determine compliance with this standard includes volume of coating used and volume of dilution solvent used. These data are normally kept by companies to provide adequate stock room balances of needed supplies. The other item of information needed to determine compliance, the fraction of solids in the coating, can be obtained from the coating manufacturer. The recording of these data is needed by both the owner/operator and EPA to determine that the source is in compliance. EPA considers the lower time estimates in the Reports Impact Analysis to be reasonably accurate. Therefore, the Agency does not consider the recordkeeping, which is necessary to determine compliance, an unreasonable burden.

Information Requirement Impacts

Reporting and recordkeeping requirements of this regulation are assessed in a Reports Impact Analysis. A copy of this analysis, which considers various alternatives and impacts, is included in the docket for public review. Please reference Subcategory II-1 of Docket No. A-80-6.

The regulation will require no reports in addition to those required under the General Provisions of 40 CFR Part 60. The General Provisions contain notification requirements that enable the Agency to keep abreast of facilities subject to the standard and also contain requirements for conducting and reporting of initial performance tests. The resources needed by industry to maintain records and to prepare the reports through the first 5 years would be about 28 person-years. The resources required by EPA and State and local agencies to process the reports and maintain records through the first 5 years would be about 1.5 person-years. Analysis of these reporting requirements indicates that they are reasonable considering the savings in Agency time and resources required for effective enforcement.

The Paperwork Reduction Act of 1980 (Pub. L. 95-511) requires clearance from the Office of Management and Budget (OMB) of certain public reporting/recordkeeping requirements before this rulemaking can be promulgated as final. The reporting/recordkeeping requirements associated with this standard have been approved by OMB, and has been assigned OMB Control Number 2000-0473.

Regulatory Flexibility Analysis

This rulemaking was proposed before January 1, 1981, and therefore is not subject to the requirements of the

Regulatory Flexibility Act. However, these requirements were reviewed, and it was determined that this rule would not have a significant economic impact on a substantial number of small entities.

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this rulemaking. The docket system is intended to allow members of the industries involved and the public to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for certain interagency review materials, will serve as the record in case of judicial review [Section 307(d)(7)(A)].

Miscellaneous

The effective date of this regulation is October 27, 1982. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal December 24, 1980.

As prescribed by Section 111, promulgation of this standard was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this promulgated standard was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All

aspects of the assessment were considered in the formulation of the standard to ensure that cost was carefully considered in determining BDT. The economic impact assessment is included in the BID for the proposed standard.

In addition to the economic impact analysis, the emissions reduction and annualized costs for typical facilities—expressed in dollars per ton of pollutant removed per year—were examined for several regulatory alternatives and results included in the BID for the proposed standard. Although such data are often used as a measure of the economic efficiency of pollution control systems, this concept of cost effectiveness was not directly applicable here because the alternatives considered represented different coating technologies rather than varying degrees of control within the same technology. A given coating technology may not be technically the most appropriate for a given segment of the industry, even though that technology may be more cost effective for the industry as a whole. Therefore, a plant operator must select a specific coating technology with an established cost and associated emissions and may not have the option of selecting a control system whose efficiency depends upon capital and operating costs alone.

As previously discussed, BDT for this industry has been determined to be the application of a coating containing 62 percent by volume coating solids at a 60-percent transfer efficiency (Alternative II). This decision was made primarily for technological rather than for economic reasons.

The emissions and annualized costs in the absence of an NSPS are nearly identical to those for the NSPS level of control in a nonattainment area. Compared to an uncontrolled plant in an attainment area, however, the NSPS level represents an emission reduction of 104 tons per year and an annual savings of about \$682 per ton of emissions reduced for a prime coat operation and an emission reduction of 173 tons per year and an annual savings of approximately \$758 per ton of emissions reduced for a topcoat operation. These savings result from reduced material costs. EDP (Alternative III) and powder coating (Alternative IV) are not required by the standard but may be selected in some instances. Compared to an uncontrolled plant, these result in annual savings of approximately \$1,400 and \$10,000 per ton of emissions reduced, respectively. These technologies, however, are not universally applicable.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because (1) the national annualized compliance costs, including capital charges resulting from the standard, total less than \$100 million; (2) the standard does not cause a major increase in prices or production costs; and (3) the standard does not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets. This regulation was submitted to OMB for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in Docket Number A-80-6. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: October 20, 1982.

Anne M. Gorsuch,
Administrator.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding a new Subpart SS as follows:

Subpart SS—Standards of Performance for Industrial Surface Coating: Large Appliances

Sec.

- 60.450 Applicability and designation of affected facility.
- 60.451 Definitions.
- 60.452 Standard for volatile organic compounds.
- 60.453 Performance test and compliance provisions.
- 60.454 Monitoring of emissions and operations.
- 60.455 Reporting and recordkeeping requirements.
- 60.456 Test methods and procedures.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

§ 60.450 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each surface coating operation in a large appliance surface coating line.

(b) The provisions of this subpart apply to each affected facility identified in paragraph (a) of this section that commences construction, modification, or reconstruction after December 24, 1980.

§ 60.451 Definitions.

(a) All terms used in this subpart not defined below are given the meaning in the Act or in Subpart A of this part.

"Applied coating solids" means the coating solids that adhere to the surface of the large appliance part being coated.

"Large appliance part" means any organic surface-coated metal lid, door, casing, panel, or other interior or exterior metal part or accessory that is assembled to form a large appliance product. Parts subject to in-use temperatures in excess of 250° F are not included in this definition.

"Large appliance product" means any organic surface-coated metal range, oven, microwave oven, refrigerator, freezer, washer, dryer, dishwasher, water heater, or trash compactor manufactured for household, commercial, or recreational use.

"Large appliance surface coating line" means that portion of a large appliance assembly plant engaged in the application and curing of organic surface coatings on large appliance parts or products.

"Coating application station" means that portion of the large appliance surface coating operation where a prime coat or a top coat is applied to large appliance parts or products (e.g., dip tank, spray booth, or flow coating unit).

"Curing oven" means a device that uses heat to dry or cure the coating(s) applied to large appliance parts or products.

"Electrodeposition" (EDP) means a method of coating application in which the large appliance part or product is submerged in a tank filled with coating material suspended in water and an electrical potential is used to enhance deposition of the material on the part or product.

"Flashoff area" means the portion of a surface coating line between the coating application station and the curing oven.

"Organic coating" means any coating used in a surface coating operation, including dilution solvents, from which VOC emissions occur during the application or the curing process. For the purpose of this regulation, powder

coatings are not included in this definition.

"Powder coating" means any surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat.

"Spray booth" means the structure housing automatic or manual spray application equipment where a coating is applied to large appliance parts or products.

"Surface coating operation" means the system on a large appliance surface coating line used to apply and dry or cure an organic coating on the surface of large appliance parts or products. The surface coating operation may be a prime coat or a topcoat operation and includes the coating application station(s), flashoff area, and curing oven.

"Transfer efficiency" means the ratio of the amount of coating solids deposited onto the surface of a large appliance part or product to the total amount of coating solids used.

"VOC content" means the proportion of a coating that is volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of coating solids.

"VOC emissions" means the mass of volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of applied coating solids, emitted from a surface coating operation.

(b) All symbols used in this subpart not defined below are given the meaning in the Act or Subpart A of this part.

C_a = the concentration of VOC's in a gas stream leaving a control device and entering the atmosphere (parts per million by volume, as carbon).

C_b = the concentration of VOC's in a gas stream entering a control device (parts per million by volume, as carbon).

C_i = the concentration of VOC's in a gas stream emitted directly to the atmosphere (parts per million by volume, as carbon).

D_c = density of coating (or input stream), as received (kilograms per liter).

D_d = density of a VOC-solvent added to coatings (kilograms per liter).

D_r = density of a VOC-solvent recovered by an emission control device (kilograms per liter).

E = the VOC destruction efficiency of a control device (fraction).

F = the proportion of total VOC's emitted by an affected facility that enters a control device (fraction).

G = the volume-weighted average mass of VOC's in coatings consumed in a calendar month per unit volume of applied coating solids (kilograms per liter).

L_c = the volume of coating consumed, as received (liters).

L_d = the volume of VOC-solvent added to coatings (liters).

L_r = the volume of VOC-solvent recovered by an emission control device (liters).

L_s = the volume of coating solids consumed (liters).

M_d = the mass of VOC-solvent added to coatings (kilograms).

M_o = the mass of VOC's in coatings consumed, as received (kilograms).

M_r = the mass of VOC's recovered by an emission control device (kilograms).

N = the volume-weighted average mass of VOC's emitted to the atmosphere per unit volume of applied coating solids (kilograms per liter).

Q_a = the volumetric flow rate of a gas stream leaving a control device and entering the atmosphere (dry standard cubic meters per hour).

Q_b = the volumetric flow rate of a gas stream entering a control device (dry standard cubic meters per hour).

Q_i = the volumetric flow rate of a gas stream emitted directly to the atmosphere (dry standard cubic meters per hour).

R = the overall VOC emission reduction achieved for an affected facility (fraction).

T = the transfer efficiency (fraction).

V_s = the proportion of solids in a coating (or input stream), as received (fraction by volume).

W_o = the proportion of VOC's in a coating (or input stream), as received (fraction by weight).

§ 60.452 Standard for volatile organic compounds.

On or after the date on which the performance test required by § 60.8 is completed, no owner or operator of an affected facility subject to the provisions of this subpart shall discharge or cause the discharge of VOC emissions that exceed 0.90 kilogram of VOC's per liter of applied coating solids from any surface coating operation on a large appliance surface coating line.

§ 60.453 Performance test and compliance provisions.

(a) Sections 60.8 (d) and (f) do not apply to the performance test procedures required by this subpart.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test each calendar month for each affected facility according to the procedures in this paragraph.

(1) An owner or operator shall use the following procedures for any affected facility that does not use a capture system and control device to comply with the emissions limit specified under § 60.452. The owner or operator shall determine the composition of the coatings by formulation data supplied by the coating manufacturer or by analysis of each coating, as received, using Reference Method 24. The Administrator may require the owner or operator who uses formulation data

supplied by the coating manufacturer to determine the VOC content of coatings using Reference Method 24. The owner or operator shall determine the volume of coating and the mass of VOC-solvent used for thinning purposes from company records on a monthly basis. If a common coating distribution system serves more than one affected facility or serves both affected and existing facilities, the owner or operator shall estimate the volume of coatings used at each facility, by using the average dry weight of coating and the surface area coated by each affected and existing facility or by other procedures acceptable to the Administrator.

(i) Except as provided in subparagraph b(1)(iv) of this section, the weighted average of the total mass of VOC's consumed per unit volume of coating solids applied each calendar month will be determined as follows.

(A) Calculate the mass of VOC's consumed ($M_o + M_d$) during the calendar month for each affected facility by the following equation:

$$M_o + M_d = \sum_{i=1}^n L_{ci} D_{ci} W_{oi} + \sum_{j=1}^m L_{dj} D_{dj} \quad (1)$$

($\sum L_{dj} D_{dj}$ will be 0 if no VOC-solvent is added to the coatings, as received)

where

n is the number of different coatings used during the calendar month, and

m is the number of different VOC-solvents added to coatings during the calendar month.

(B) Calculate the total volume of coatings solids used (L_s) in the calendar month for each affected facility by the following equation:

$$L_s = \sum_{i=1}^n L_{ci} V_{si} \quad (2)$$

where

n is the number of different coatings used during the calendar month.

(C) Select the appropriate transfer efficiency from Table 1. If the owner or operator can demonstrate to the satisfaction of the Administrator that transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiencies for application methods not listed shall be determined by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the accuracy of the transfer efficiency claims.

TABLE 1.—TRANSFER EFFICIENCIES

Application method	Transfer efficiency (T _k)
Air-atomized spray	0.40
Airless spray	0.45
Manual electrostatic spray	0.60
Flow coat	0.85
Dip coat	0.85
Nonrotational automatic electrostatic spray	0.85
Rotating head automatic electrostatic spray	0.90
Electrodeposition	0.95

Where more than one application method is used within a single surface coating operation, the owner or operator shall determine the composition and volume of each coating applied by each method through a means acceptable to the Administrator and compute the weighted average transfer efficiency by the following equation:

$$T = \frac{\sum_{k=1}^n \sum_{m=1}^m L_{mk} V_{mk} T_k}{L_s} \quad (3)$$

where

n is the number of coatings (or input streams) used, and

m is the number of application methods used.

(D) Calculate the volume-weighted average mass of VOC's consumed per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G = \frac{M_o + M_d}{L_s T} \quad (4)$$

(ii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during the calendar month for each affected facility by the following equation:

$$N = G. \quad (5)$$

(iii) Where the volume-weighted average mass of VOC's discharged to the atmosphere per unit volume of coating solids applied (N) is equal to or less than 0.90 kilogram per liter, the affected facility is in compliance.

(iv) If each individual coating used by an affected facility has a VOC content, as received, which when divided by the lowest transfer efficiency at which the coating is applied, results in a value equal to or less than 0.90 kilogram per liter, the affected facility is in compliance, provided no VOC's are added to the coating during distribution or application.

(2) An owner or operator shall use the following procedures for any affected facility that uses a capture system and a control device that destroys VOC's (e.g.,

incinerator) to comply with the emission limit specified under § 60.452.

(i) Determine the overall reduction efficiency (R) for the capture system and control device. For the initial performance test the overall reduction efficiency (R) shall be determined as prescribed in A, B, and C below. In subsequent months, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test, providing control device and capture system operating conditions have not changed. The procedure in A, B, and C, below, shall be repeated when directed by the Administrator or when the owner or operator elects to operate the control device or capture system at conditions different from the initial performance test.

(A) Determine the fraction (F) of total VOC's emitted by an affected facility that enters the control device using the following equation:

$$F = \frac{\sum_{i=1}^n C_{bi} Q_{bi}}{\sum_{i=1}^n C_{bi} Q_{bi} + \sum_{k=1}^p C_{ki} Q_{ki}} \quad (6)$$

Where

n is the number of gas streams entering the control device

p is the number of gas streams emitted directly to the atmosphere.

(B) Determine the destruction efficiency of the control device (E) using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the device by the following equation:

$$E = \frac{\sum_{i=1}^n Q_{bi} C_{bi} - \sum_{j=1}^m Q_{aj} C_{aj}}{\sum_{i=1}^n Q_{bi} C_{bi}} \quad (7)$$

Where

n is the number of gas streams entering the control device, and

m is the number of gas streams leaving the control device and entering the atmosphere.

(C) Determine overall reduction efficiency (R) using the following equation:

$$R = EF. \quad (8)$$

(ii) Calculate the volume-weighted average of the total mass of VOC's per unit volume of applied coating solids (G) during each calendar month for each

affected facility using equations (1), (2), (3) if applicable, and (4).

(iii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month by the following equation:

$$N = G(1-R). \quad (9)$$

(iv) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is equal to or less than 0.90 kilogram per liter of applied coating solids, the affected facility is in compliance.

(3) An owner or operator shall use the following procedure for any affected facility that uses a control device for VOC recovery (e.g., carbon adsorber) to comply with the applicable emission limit specified under § 60.452.

(i) Calculate the total mass of VOC's assumed (M_o + M_d) and the volume-weighted average of the total mass of VOC's per unit volume of applied coating solids (G) during each calendar month for each affected facility using equations (1), (2), (3) if applicable, and (4).

(ii) Calculate the total mass of VOC's recovered (M_r) during each calendar month using the following equation:

$$M_r = L_r D_r. \quad (10)$$

(iii) Calculate overall reduction efficiency of the control device (R) for each calendar month for each affected facility using the following equation:

$$R = \frac{M_r}{M_o + M_d} \quad (11)$$

(iv) Calculate the volume-weighted average mass of VOC's emitted to the atmosphere (N) for each calendar month for each affected facility using equation (9).

(v) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is equal to or less than 0.90 kilogram per liter of applied coating solids, the affected facility is in compliance. Each monthly calculation is considered a performance test.

§ 60.454 Monitoring of emissions and operations.

(a) The owner or operator of an affected facility that uses a capture system and an incinerator to comply with the emission limits specified under § 60.452 shall install, calibrate, maintain, and operate temperature measurement devices as prescribed below:

(1) Where thermal incineration is used, a temperature measurement device shall be installed in the firebox. Where catalytic incineration is used, a temperature measurement device shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Each temperature measurement device shall be installed, calibrated, and maintained according to the manufacturer's specifications. The device shall have an accuracy of the greater of 0.75 percent of the temperature being measured expressed in degrees Celsius or $\pm 2.5^\circ \text{C}$.

(3) Each temperature measurement device shall be equipped with a recording device so that a permanent continuous record is produced.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.455 Reporting and recordkeeping requirements.

(a) The reporting requirements of § 60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided in subparagraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for a period of 1 calendar month from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.453(b)(1)(iv), a list of the coatings used during a period of 1 calendar month, the VOC content of each coating calculated from data determined using Reference Method 24 or supplied by the coating manufacturer, and the minimum transfer efficiency of any coating application equipment used during the month.

(3) For each affected facility where compliance is achieved through use of an incineration system, the following additional information will be reported:

(i) The proportion of total VOC's emitted that enters the control device (F).

(ii) The VOC reduction efficiency of the control device (E).

(iii) The average combustion temperature (or the average temperature upstream and downstream of the catalyst bed), and

(iv) A description of the method used to establish the amount of VOC's captured and sent to the incinerator.

(4) For each affected facility where compliance is achieved through use of a solvent recovery system, the following additional information will be reported:

(i) The volume of VOC-solvent recovered (L_r), and

(ii) The overall VOC emission reduction achieved (R).

(b) Following the initial performance test, the owner or operator of an affected facility shall identify and record:

(1) Each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under § 60.452.

(2) Where compliance with § 60.452 is achieved through use of thermal incineration, each 3-hour period of coating operation during which the average temperature of the device was more than 28°C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.453.

(3) Where compliance with § 60.452 is achieved through use of catalytic incineration, each 3-hour period of coating operation during which the average temperature recorded immediately before the catalyst bed is more than 28°C below the average temperature at the same location during the most recent performance test at which destruction efficiency was determined as specified under § 60.453. Additionally, all 3-hour periods of coating operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.453 will be recorded.

(c) Each owner or operator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine VOC emissions from each affected facility. Where compliance is achieved through the use of thermal incineration, each owner or operator shall maintain at the source daily records of the incinerator combustion chamber temperature. If catalytic incineration is used, the owner or operator shall maintain at the source

daily records of the gas temperature, both upstream and downstream of the incinerator catalyst bed. Where compliance is achieved through the use of a solvent recovery system, the owner or operator shall maintain at the source daily records of the amount of solvent recovered by the system for each affected facility.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.456 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.452 as follows:

(1) Method 24 or formulation data supplied by the coating manufacturer to determine the VOC content of a coating. In the event of dispute, Reference Method 24 shall be the reference method. For determining compliance only, results of Method 24 analyses of waterborne coatings shall be adjusted as described in Subsection 4.4 of Method 24. Procedures to determine VOC emissions are provided in § 60.453.

(2) Method 25 for the measurement of the VOC concentration in the gas stream vent.

(3) Method 1 for sample and velocity traverses.

(4) Method 2 for velocity and volumetric flow rate.

(5) Method 3 for gas analysis.

(6) Method 4 for stack gas moisture.

(b) For Method 24, the coating sample must be a 1-liter sample taken into a 1-liter container at a point where the sample will be representative of the coating material.

(c) For Method 25, the sample time for each of three runs is to be at least 60 minutes and the minimum sample volume is to be at least 0.003 dscm except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(d) The Administrator will approve sampling of representative stacks on a case-by-case basis if the owner or operator can demonstrate to the satisfaction of the Administrator that the testing of representative stacks would yield results comparable to those that would be obtained by testing all stacks.

(Sec. 114 of the Clean Air Act amended (42 U.S.C. 7414))

[FR Doc. 82-29516 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 60****[AD-FRL 2070-5(b)]****Standards of Performance for New Stationary Sources; Priority List; Amendment****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of proposed rule.

SUMMARY: This action withdraws the proposed amendment to the priority list that was published in the *Federal Register* (45 FR 85099) on December 24, 1980. The priority list is a list of major source categories for which EPA is required to promulgate new source performance standards (NSPS) and includes the category "Industrial Surface Coating: Large Appliances." The proposed amendment, which is being withdrawn, would have amended the priority list by aggregating all appliance surface coating operations (including small appliance coating operations) in one category.

After considering the comments received EPA has concluded that further study of applicable control technology is necessary before promulgating standards for this segment of the industry. The source category on the list will remain as "Industrial Surface Coating: Large Appliances."

DATE: This withdrawal is effective October 27, 1982.

ADDRESSES:

Background Information Documents. Background information on the emissions from the appliance surface coating industry may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone (919) 541-2777. Please refer to "Industrial Surface Coating: Appliances—Background Information for Proposed Standards," EPA-450/3-80-037a. Public comments on the proposed NSPS's for the appliance coating individual which bear on this withdrawal; EPA's responses to the Comments; and a summary of the changes made prior to promulgation are contained in the document, "Industrial Surface Coating: Large Appliances—Background Information for

Promulgated Standards," EPA-450/3-80-037b, which is available from the same address.

Docket. A docket, number A-80-06, containing comments received during the public comment period for the proposed addition to the priority list and the proposed NSPS for appliance coating operations, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Gene W. Smith, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION: Under Section 111 of the Clean Air Act, EPA is required to develop a standard of performance for new stationary sources that the Administrator determines may contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Section 111(f) of the Act, as amended in 1977, requires that the Administrator promulgate a priority list of categories of major stationary sources for which standards of performance for new sources are to be promulgated.

In developing priorities, Section 111 specifies that the Administrator consider: (1) The quantity of emissions from each source category, (2) the extent to which each pollutant endangers public health or welfare, and (3) the mobility and competitive nature of each stationary source category.

The priority list, which identifies major source categories in order of priority for development of regulations, was proposed on August 31, 1978 and promulgated, after revisions, on August 21, 1979 (40 CFR 60.16, 44 FR 49222). Of the 59 source categories on the list, large appliance surface coating operations are listed as number 28.

On December 24, 1980 (45 FR 85099), EPA proposed to amend the priority list to aggregate all appliance surface coating operations into one source category. EPA studies of the appliance coating industry had indicated that the operations, processes, and emissions

characteristic of the coating of certain comparatively small appliances were similar, and in many cases identical, to those associated with traditional, large appliance surface coating. Therefore, it appeared that there was no reason to distinguish among the emissions from appliance surface coating operations based solely on the size of the appliance being coated. Accordingly, the Administrator determined that emissions from appliance surface coating operations as a whole contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare.

Because of the similarities in coating materials and coating application techniques, some of these smaller appliances were included on the list of products to be covered by the proposed NSPS for "Industrial Surface Coating: Appliances," also published on December 24, 1980 (45 FR 85085). Comments received on that proposal have indicated certain important differences, of which EPA was not aware, between the manufacture and coating of smaller appliances and of the traditional, large household appliances.

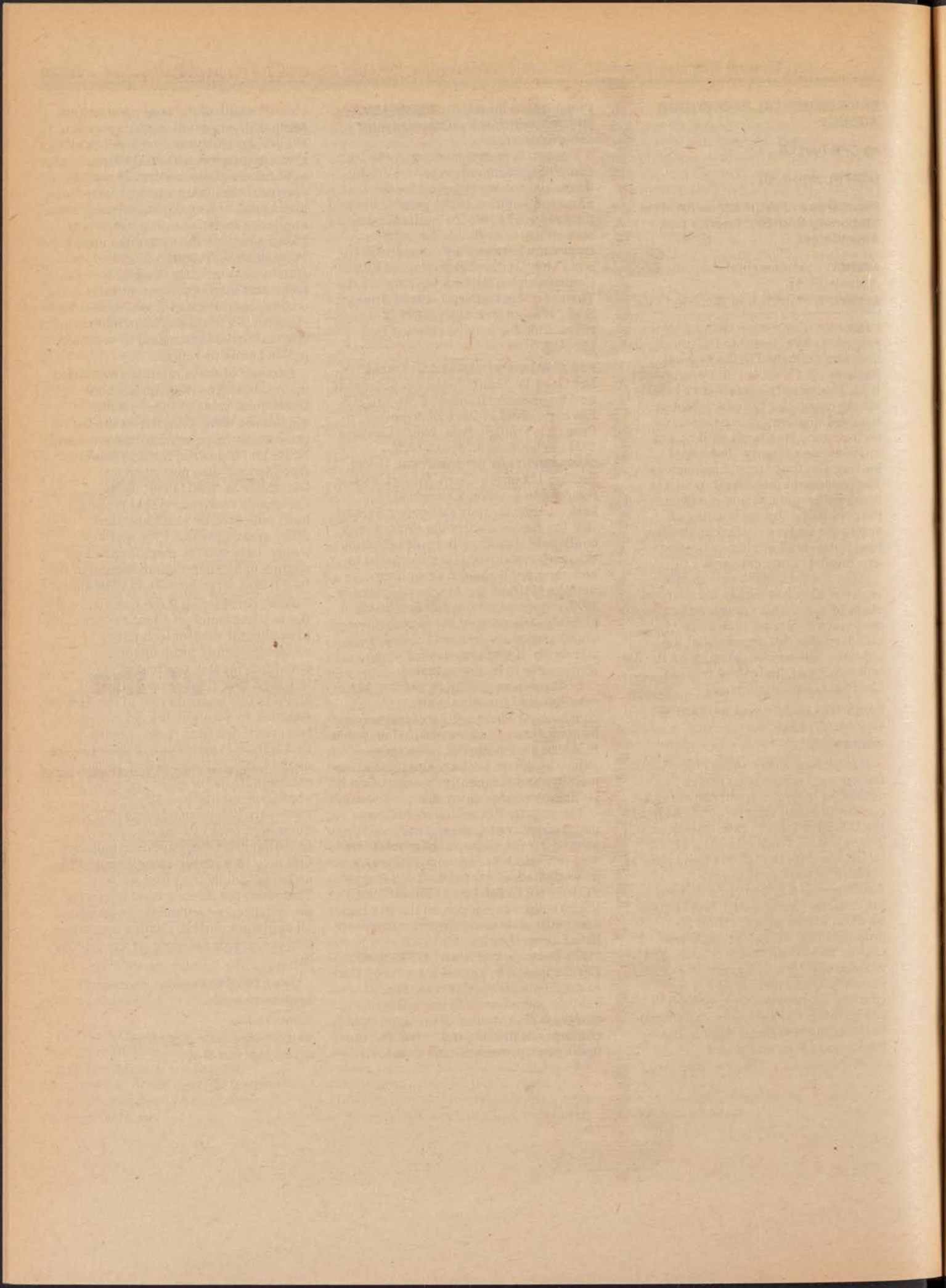
After considering these comments, the Agency has concluded that further study of applicable control technology is necessary before promulgating standards for this segment of the industry. (See final promulgation of NSPS in this separate part of the *Federal Register*. In addition, the Administrator has concluded from these comments that further examination of such factors as the projected growth and applicable emission limits for other segments of the appliance coating industry are necessary before concluding that these other appliance coating operations contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the Agency is withdrawing the proposed amendment to aggregate all appliance surface coating operations into one source category on the priority list.

Dated: October 20, 1982.

Anne M. Gorsuch,
Administrator.

[FR Doc. 82-29346 Filed 10-26-82; 8:45 am]

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Department of the Interior

Surface Mining and Reclamation Operations Under a Federal Program for the State of Nevada

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 928

Surface Mining and Reclamation Operations Under a Federal Program for the State of Nevada

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior proposes a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Nevada. This includes surface effects of underground coal mining. This proposed program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments must be received not later than 5:00 p.m. on January 18, 1983 at the address below. A public hearing will be held on January 13, 1983. Requests to testify at the hearing should be received by January 7, 1983. If commenters request a hearing date later than that set, OSM will consider postponing the hearing until a later time; any new date will be announced by a notice in the Federal Register.

ADDRESS: Written comments must be mailed or hand-delivered to: Office of Surface Mining, New Mexico Field Office, 219 Central Avenue, NW, Albuquerque, New Mexico 87102.

The Public hearing on the proposed program will be held at the Federal Building, GSA Conference Room, Rm. 4002, Reno, Nevada 89509, at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the proposed program are available for inspection and may be obtained at the OSM office listed above in "ADDRESSES."

Public Comment Period

The comment period on the proposed program will extend until January 19, 1983. All written comments must be received at the location above under

"ADDRESSES" by close of business on that date.

All written comments received, a transcript of the public hearing, summaries of meetings held at the request of any person or organization to receive advice or recommendations concerning the proposed program with representatives of OSM, and other documents comprising the administrative record on the Federal program for Nevada will be made available for public review during regular business hours at the location listed above.

OSM appreciates any and all comments on the proposal, but those that would be most useful should be as specific as possible, focus on the issues of this proposed rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this proposal. Nor can OSM ensure consideration of written comments received after the comment period ends or those delivered to an address other than that specified.

Public Hearing

A public hearing on the proposed program will be held at the time and location listed above to hear all those who wish to testify. The hearing may be cancelled if, by January 7, 1983, no person has expressed interest in presenting testimony.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce or maintain an approved State program.

An additional standard for the promulgation of a Federal program is found in 30 CFR Part 736, which requires the implementation of a Federal program for a State where the Director of OSM (the Director) "reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands * * * at any time before June 1985 * * *" 30 CFR 736.11(a)(1).

Nevada has identifiable coal reserves, but has failed to submit a program to the Secretary to obtain primary regulatory responsibility. The Director believes that it is reasonable to expect that coal exploration or surface coal mining will occur in Nevada before June 1985. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate and implement a Federal program.

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that in implementing a Federal program the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment affected by surface mining operations which neither the Act nor the Secretary's regulations protect, then those State standards are specifically preserved. Thus, the Secretary believes that the requirements of Section 505(b)

can best be met by identifying Nevada laws and regulations which impose equivalent or more stringent environmental controls, and by listing them in § 928.700(e).

Also, in promulgating a program for a State, Section 504(g) of the Act specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to the Act will be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by Section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and preempted by OSM.

Finally, a Federal program, according to Section 504(h) of the Act, must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permitting process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the review and issuance procedures required by those statutes.

Federal programs are based on the Secretary's permanent program regulations: 30 CFR Subchapters A, F, G, J, K, L and M. The permanent program regulations establish procedures and performance standards under the Act and form the benchmark for State programs.

In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Part 760, 761, 762, and 765), permits and permit applications (Subchapter K), inspection

and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provision in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700-707 and 730-865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323-15393 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098).

Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507-53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440-77447 (December 31, 1979); 45 FR 2626-2629 (January 11, 1980); 45 FR 25998-26001 (April 16, 1980); 45 FR 33926-33927 (May 20, 1980); 45 FR 39446-39447 (June 10, 1980); 45 FR 52306-52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780-58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 52287 (December 7, 1981).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79-1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the Federal Register on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447-77454); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547-51550). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia

Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80-1810, 80-1811, 80-1812, 80-1813 and 80-1823. The Court has granted a stay of the proceedings pending the revision of regulations as noted below. However, the stay does not apply to Federal programs such as this one.

Nevada Federal Program

As mentioned above, when promulgating a Federal program for a State, OSM is required by Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM has reviewed Nevada's laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State. To date no special environmental conditions have been identified. OSM solicits comments on special provisions that should be promulgated and the basis for those provisions.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "regulatory authority" and "The State regulatory authority," which mean the Secretary when a Federal program for a State is involved. Section 701(22) of the Act.

The Office of Surface Mining is delegated all of the Secretary's authority for implementing, maintaining and enforcing a Federal program. This proposed program for Nevada would not change these responsibilities.

Explanation of Cross-referencing

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a federal program must be promulgated.

In January, 1981, the Secretary directed that the Department review all existing regulations in order to eliminate those which are burdensome, excessive and unnecessary. Review of the permanent program regulations was

initiated and may result in a large scale revision of them. See semi-annual Calendar of Federal Regulations notice of rule review and revision, 47 FR 1709 (January 13, 1982). See also, e.g., revisions of OSM's bonding regulations, 30 CFR Subchapter J, 46 FR 45082 (September 9, 1981) and OSM's inspection and enforcement regulations, 30 CFR Parts 842, 843, and 845, 47 FR 35620 (August 16, 1982).

In order to take advantage of the results which revision of the permanent program regulations will achieve, OSM proposes to develop and promulgate this Federal program in the following manner. Rather than repeating the full text of the permanent regulations which are being revised, there would be a cross-reference to the permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "Part 762 of this chapter * * * shall apply to surface coal mine operations." (See proposed § 928.762). One effect of the proposed cross-referencing to the permanent program regulations would be that as the permanent program regulations are revised, this Federal program would be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or necessary for revision of this program if the cross-referencing alternative becomes effective, unless OSM determined that special conditions were necessary for a particular State. A notice appeared in the *Federal Register* July 13, 1982 (47 FR 30267), advising the public that any change in a permanent program rule would also result in a corresponding change in all Federal programs, absent special conditions. The notice invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any State so that the final permanent program rule would be tailored for each State's Federal program as necessary.

The promulgation of this cross-referencing program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions are needed for an individual State's Federal program which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section of that State's Federal program. Cross-referencing to the permanent program rules may also be used in the promulgation of other Federal programs. Public comment on

the cross-referencing method as it affects other Federal programs, however, should be directed to each of those rulemaking notices.

Several provisions of the permanent program regulations are already applicable and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. (30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining, would be included in the Nevada Federal program by a cross-reference under § 928.764, to provide a petition process on non-Federal and non-Indian lands in Nevada.)

With regard to the bonding regulations (Subchapter J), only Part 800 is proposed to be cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981) (proposed).

Content and Organization of the Program

The content and organization of the proposed Federal program for the State of Nevada would generally follow the permanent program regulations. But, as discussed above, instead of the full text appearing, each section of this proposed program would include only reference to the pertinent permanent program regulation. Sections 928.700 (e) and (f) set out more stringent and inconsistent State statutes respectively. Where specific provisions are needed for each proposed Federal program for a State which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section.

Detailed Discussion

Under Section 504(g) of the Act, any statutes or regulations of the State which are in effect to regulate surface coal mining and reclamation operations subject to the Act, are preempted and superseded by the Federal program to the extent they interfere with the achievement of the purposes and requirements of the Act and the Federal program. In accordance with 30 CFR 736.23, the Director has tentatively identified the following Nevada statutes and regulations as requiring partial Federal supersession: (a) NRS 326.080 to 326.100; and (b) NRS 535.010 to 535.050.

NRS 326.080 to 326.100 address the maintenance and defense of possessory actions by applicants and contractors to purchase public lands. NRS 326.100 provides that nothing contained in NRS 326.080 and 326.090 shall be construed to prevent prospecting for precious metals on these lands or to prevent the opening of any mine.

Section 516 of the Act and Subchapter G, promulgated thereunder, set forth the general requirements for permit and exploration procedure systems. Part 776 of Subchapter G requires that any person who intends to conduct coal exploration where less than 250 tons coal will be removed, file a written notice of intent to explore with the regulatory authority. Where an exploration operation will remove more than 250 tons of coal, Part 776 requires that, prior to commencing exploration activities, written approval be obtained from the regulatory authority. To the extent that NRS 326.080 to 326.100 apply to coal-related activities, they appear to be inconsistent with the purposes and requirements of Section 512 of the Act and 30 CFR Subchapter G.

NRS 535.010 to 535.050 govern the construction and maintenance of dams and other obstructions. NRS 535.010 allows the state engineer to approve the construction of any dams, based upon plans and specifications submitted to him. NRS 535.030 requires inspection of dams by the state engineer from "time to time."

30 CFR 816.49(f) and 817.49(f) provide that all dams and embankments meeting criteria for regulation under 30 CFR 77.216(a) shall be routinely inspected in accordance with 30 CFR 77.216-3. Additionally, 30 CFR 816.49 *et seq.* and 817.49 *et seq.* require all dams and impoundments to be constructed in accordance with detailed design criteria. NRS 535.010 contains no such design criteria.

Having reviewed these statutory provisions, OSM tentatively concludes that they lack the specificity of the comparable Federal provisions and fail to establish permitting and design criteria and performance standards as detailed as those in the Federal Act. The Nevada Federal program proposed here would be pervasive with regard to surface coal mining and reclamation. OSM proposes to preempt and supersede NRS 326.080 to 326.100 and NRS 535.010 to 535.050 to the extent they regulate surface coal mining and reclamation operations.

Section 504(h) of the Federal Act also requires that each Federal program include a process for coordinating the review and issuance of permits for

surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation. OSM proposes to accomplish this by listing relevant Nevada statutes and regulations in 928.770.

Public comment is invited on this method of effecting these requirements of Sections 504(a), (g), and (h) and 505 of the Act.

Copies of the Nevada statutes referred to herein and of other Nevada statutes are in the administrative record and are available for review at the place listed above under "ADDRESSES."

OMB Review

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. 3507. Although this rule would contain information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms is required only when ten or more respondents are expected. If in the future the number of respondents appear to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the Federal Register, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no major economic impact through adoption of this rule because it would affect only a small number of mining operations.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a significant impact on a substantial number of small entities.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

List of Subjects in 30 CFR Part 928

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by William Larkin, Office of the Solicitor and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Dated: October 6, 1982.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

OSM proposes to add Part 928 to 30 CFR Chapter VII to read as follows:

PART 928—NEVADA

Sec.

- 928.700 General.
- 928.701 General.
- 928.707 Exemption for coal extraction incident to government-financed highway or other construction.
- 928.761 Areas designated unsuitable for surface coal mining by act of congress.
- 928.762 Criteria for designating areas as unsuitable for surface coal mining operations.
- 928.764 Process for designating areas unsuitable for surface coal mining operations.
- 928.770 General requirements for permit and exploration procedures.
- 928.771 General requirements for permits and permit applications.
- 928.776 General requirements for coal exploration.
- 928.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.
- 928.779 Surface mining permit applications—minimum requirements for information on environmental resources.
- 928.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.
- 928.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
- 928.783 Underground mining permit applications—minimum requirements for information on environmental resources.
- 928.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
- 928.785 Requirements for permits for special categories of mining.
- 928.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.
- 928.787 Administrative and judicial review of decisions on permit applications.
- 928.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
- 928.795 Small operator assistance.
- 928.800 General requirements for bonding of surface coal mining and reclamation operations.
- 928.815 Performance standards—coal exploration.

Sec.

- 928.816 Performance standards—surface mining activities.
- 928.817 Performance standards—underground mining activities.
- 928.818 Special performance standards—concurrent surface and underground mining.
- 928.819 Special performance standards—auger mining.
- 928.823 Special performance standards—operations on prime farmland.
- 928.824 Special performance standards—mountaintop removal.
- 928.826 Special performance standards—operations on steep slopes.
- 928.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
- 928.828 Special performance standards—In Situ Processing.
- 928.842 Federal inspections.
- 928.843 Federal enforcement.
- 928.845 Civil penalties.

Authority: Pub. L. 95-87, The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*

§ 928.700 General.

(a) This part contains all rules applicable to surface coal mining operations in Nevada which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Nevada Federal program.

(c) The rules in this part apply to all surface coal mining operations in Nevada conducted on non-Federal and non-Indian lands. The rules of Subchapter D of this chapter apply to operations on Federal lands in Nevada.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) There are no identified Nevada state laws that provide for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter.

(f) The following are Nevada laws that interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded to the extent that they apply to non-exempt coal exploration and surface coal mining and reclamation operations as defined in the Act:

- (1) NRS 326.080 to 326.100.
- (2) NRS 535.010 to 535.050.

§ 928.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining and reclamation operations in Nevada.

§ 928.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 928.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 928.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations.

§ 928.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mine operations beginning one year after the effective date of this program.

§ 928.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to coal exploration and surface coal mining and reclamation operations.

(b) Where applicable, no person shall conduct coal exploration which results in the removal of more than 250 tons in one location, or surface coal mining operations without permits issued pursuant to the: Nevada Water Pollution Control Law, NRC 445.131 *et seq.*; Air Pollution Law, NRS 445.401 *et seq.*; Historic Preservation and Archeology Law, NRS 383.085 *et seq.*; and Protection and Propagation of Native Fauna Law, NRS 503.584 *et seq.*

§ 928.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person

who makes application for a permit to conduct surface coal mine operations on non-Federal and non-Indian lands.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with Section 736.25 of this chapter.

§ 928.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations on non-Federal and non-Indian lands.

(b) The Office shall make every effort to act on an exploration application within 60 days or receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but that more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 928.778 Surface mining permit applications—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§ 928.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 928.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations on non-Federal and non-Indian lands.

§ 928.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground coal mining operations.

§ 928.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground coal mining operations.

§ 928.784 Underground mining permit applications—Minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground coal mining.

§ 928.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 928.786 Review, public participation, and approval or disapproval or permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 928.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and Sections 520, 525 and 526 of the Act.

§ 928.788 Permit review, revisions, and renewals, and transfer, sale and assignment of rights granted under permits.

Part 788 of this chapter, Permit Review, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights

Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mining and reclamation operations, and to transfer, sale, and assignment of rights granted under permits.

§ 928.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 928.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 928.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 928.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 928.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground coal mining operations.

§ 928.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and

Underground Mining, shall apply to any person who conducts combined surface and underground coal mining operations.

§ 928.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 928.822 Special performance standards—operations in alluvial valley floors.

Part 822 of this chapter, Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors, shall apply to any person who conducts surface coal mining and reclamation operations on alluvial valley floors.

§ 928.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 928.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts coal mining operations constituting mountaintop removal mining.

§ 928.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 928.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite and not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite and not within the permit area for a mine.

§ 928.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 928.842 Federal inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all coal exploration and surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each inspection report regarding inspections conducted pursuant to this part to the Nevada Division of Mineral Resources upon request.

§ 928.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

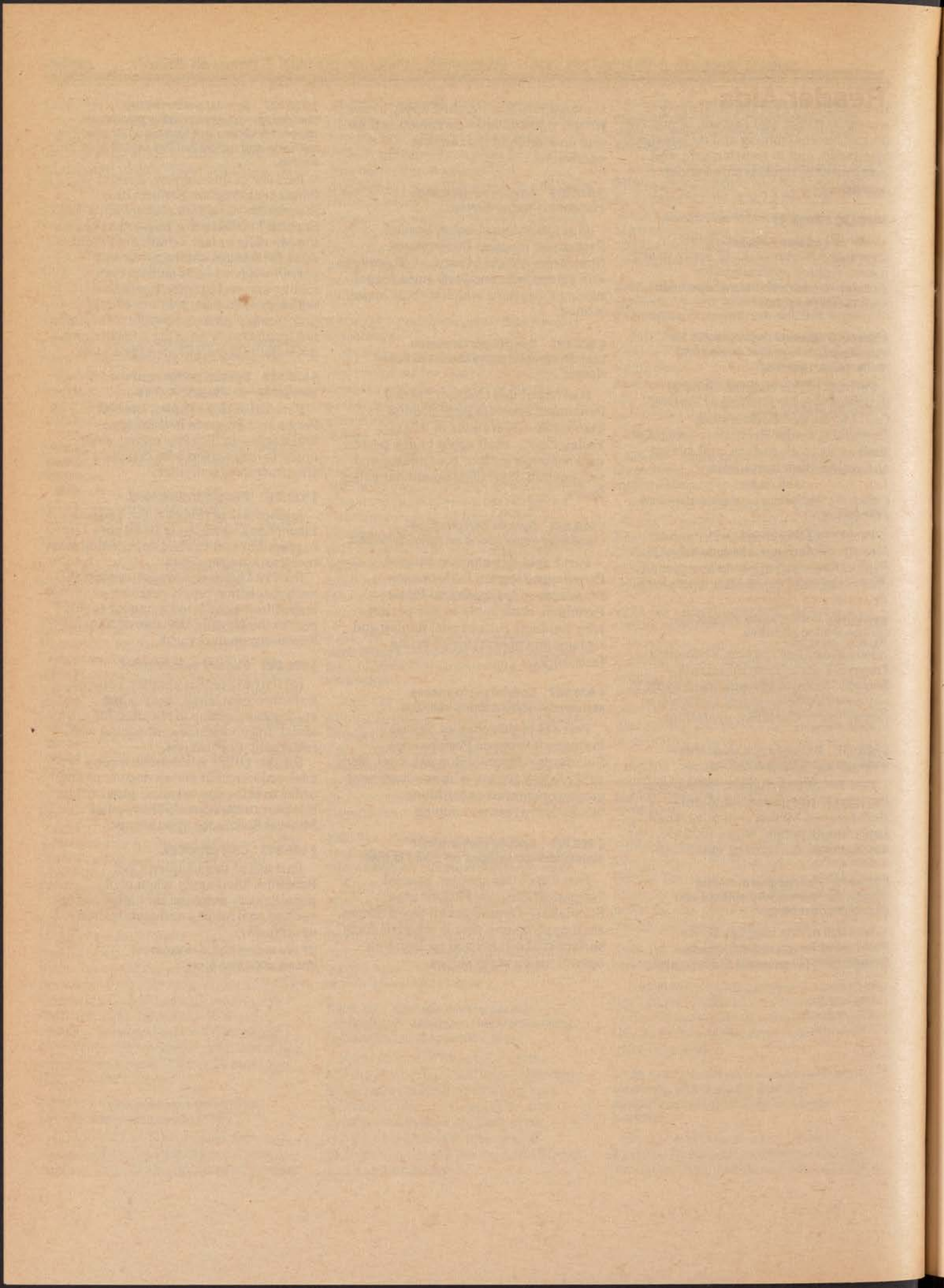
(b) The Office will furnish a copy of each enforcement action document and order to show cause issued pursuant to this part to the Nevada Division of Mineral Resources upon request.

§ 928.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

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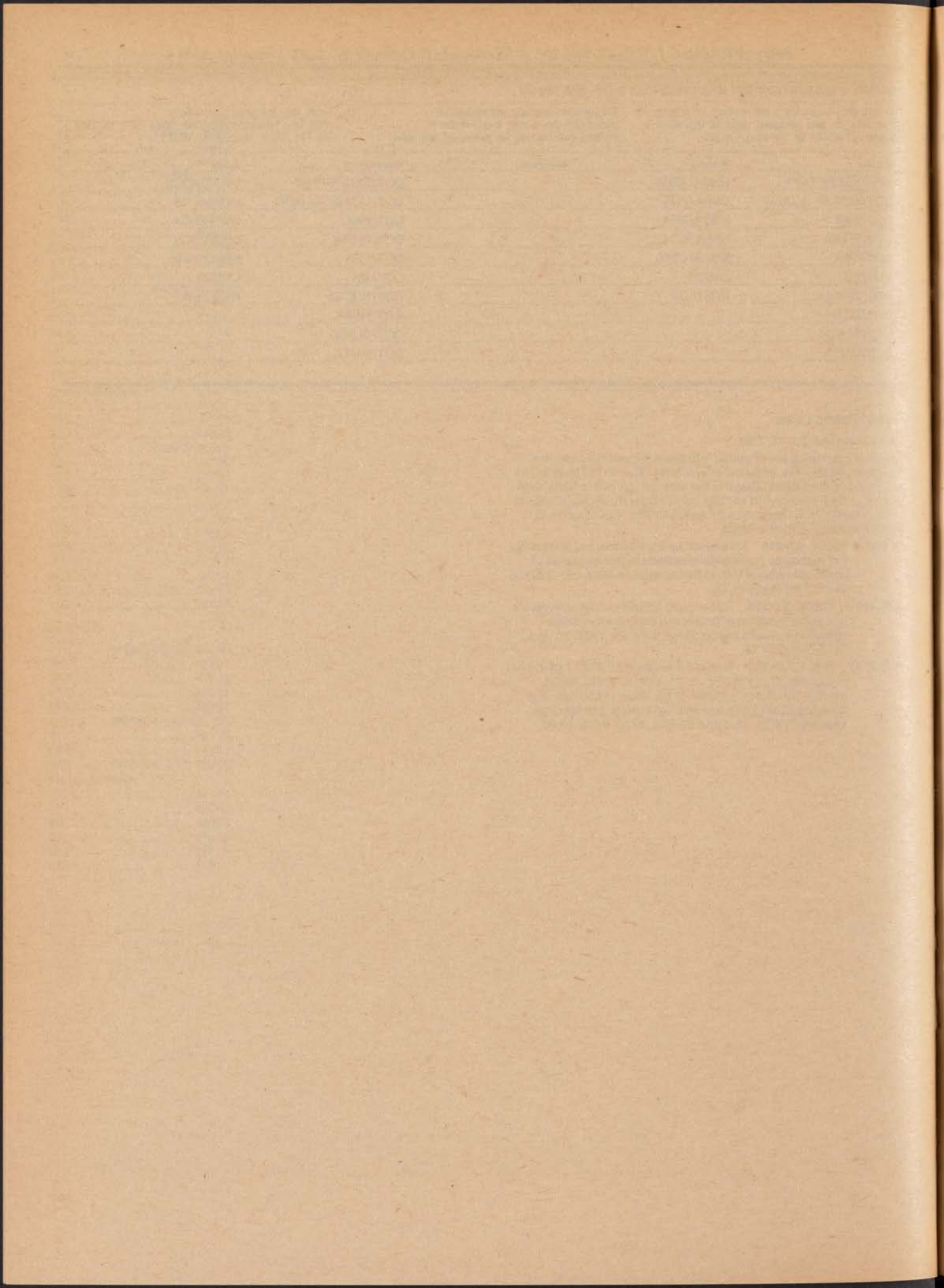
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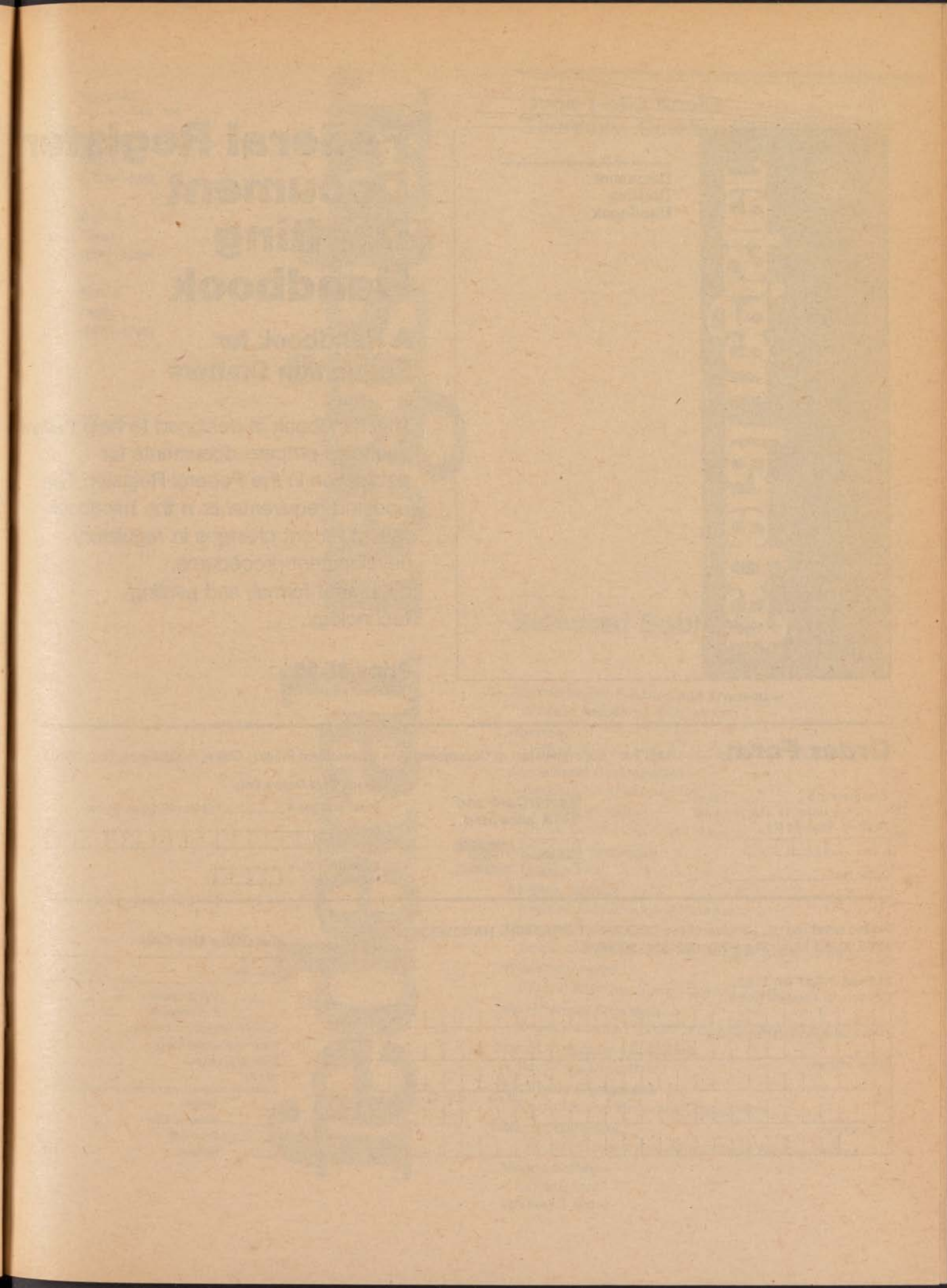
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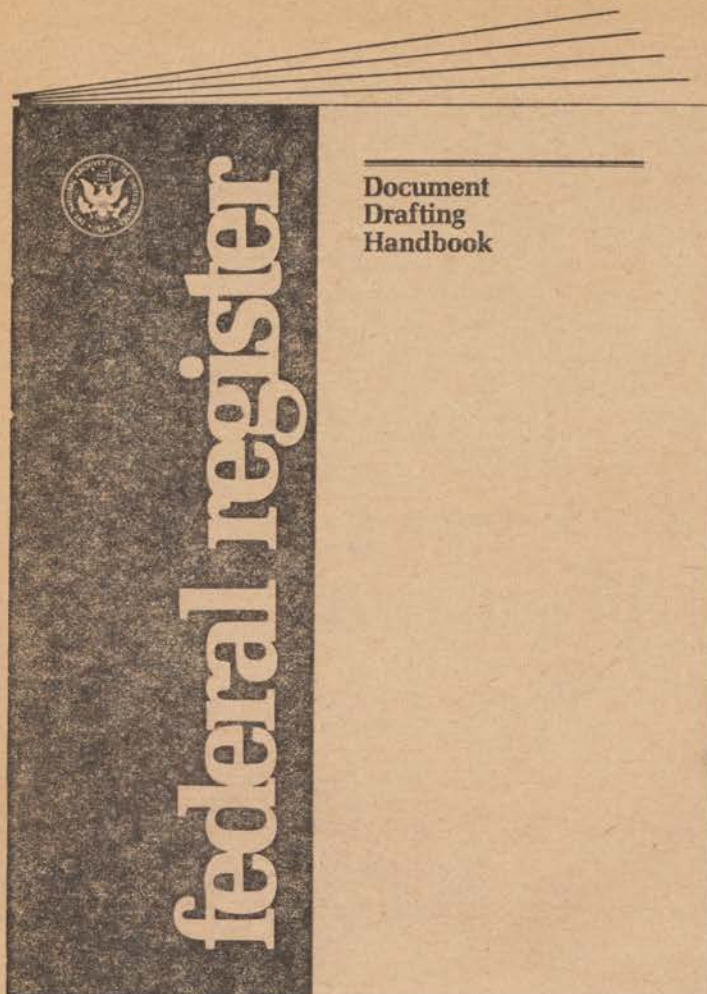
S. 1698 / Pub. L. 97-359 To amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States citizens. (Oct. 22, 1982; 96 Stat. 1716) Price: \$1.75.

H.R. 4828 / Pub. L. 97-360 To set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries. (Oct. 22, 1982; 96 Stat. 1718) Price: \$1.75.

H.R. 3787 / Pub. L. 97-361 To amend sections 10 and 11 of the Act of October 21, 1970 (Pub. L. 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes". (Oct. 22, 1982; 96 Stat. 1720) Price: \$2.00.







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